CLARKE COUNTY PLANNING COMMISSION
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May 4, 2018 Business Meeting

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Clarke County Planning Commission

AGENDA– Business Meeting
Friday, May 4, 2018 – 9:00AM
Berryville/Clarke County Government Center – Main Meeting Room

1. Approval of Agenda

2. Approval of Minutes

a. April 3, 2018 Work Session
b. April 6, 2018 Business Meeting

Public Hearing

3. Revised 2018 Historic Resources Plan

Minor Subdivision

4. MS-18-03, McIntire Cattle Company, Inc. Request approval of a two lot Minor Subdivision for the property identified as Tax Map #9-A-5, located at 1528 Lewisville Road in the Russell Election District, zoned Agricultural-Open Space-Conservation (AOC).

5. MS-18-04, Walker Arena LLC. Request approval of a two lot Minor Subdivision for the property identified as Tax Map #6-A-38, located at 44 Pierce Road in the Russell Election District, zoned Agricultural-Open Space-Conservation (AOC).

Board/Committee Reports

6. Board of Supervisors (Mary Daniel)
7. Board of Septic & Well Appeals (George Ohrstrom, II)
8. Board of Zoning Appeals (Anne Caldwell)
9. Historic Preservation Commission (Doug Kruhm)
10. Conservation Easement Authority (George Ohrstrom, II)
11. Broadband Implementation Committee (Mary Daniel)

Other Business

Adjourn

UPCOMING MEETINGS

Ordinances Committee Meeting – Friday, May 4, 2018 (9:30AM or immediately following the Commission Business Meeting)
Ordinances Committee Meeting – Wednesday, May 23 (2:00PM)
June Work Session – Tuesday, May 29, 2018 (3:00PM)
June Business Meeting – Friday, June 1 (9:00AM)
Ordinances Committee Meeting – Tuesday, June 5 (2:00PM)
Ordinances Committee Meeting – Thursday, June 21 (2:00PM)

Clarke County

PLANNING COMMISSION
WORK SESSION MINUTES -- DRAFT
TUESDAY, APRIL 3, 2018

A work session of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Tuesday, April 3, 2018.

ATTENDANCE

Present: Robina Bouffault; Randy Buckley (Vice-Chair); Anne Caldwell; Mary Daniel (arrived late); Bob Glover; Scott Kreider; Douglas Kruhm; Frank Lee; Gwendolyn Malone, Cliff Nelson; and George L. Ohrstrom, II (Chair).

Absent: None

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; Alison Teetor, Natural Resources Planner

CALLED TO ORDER
Mr. Stidham called the meeting to order at 3:02PM.

AGENDA
The members approved the agenda by consensus as presented.

NEW BUSINESS ITEMS

Presentation, Draft 2018 Historic Resources Plan
Mr. Stidham introduced Betsy Arnett, Chair of the Historic Preservation Commission (HPC), who is here to discuss the draft 2018 Historic Resources Plan. Chair Ohrstrom said that the HPC did a great job on the Plan and he thanked them for their work.

Ms. Arnett said that the HPC worked on the Plan for quite some time and made significant changes. She said that they drastically reduced the appendices in the current Plan by referencing information held by other agencies rather than including the information in the Plan document. She added the list of projects and future goals have also been updated. Ms. Bouffault noted that the revised Plan flows much better with the revisions.

Mr. Stidham reminded the Commission that they will have to conduct a Public Hearing on the revised Plan and forward a recommendation to the Board of Supervisors as they have done in recent years with the revised Comprehensive Plan and component plans. Chair Ohrstrom asked if the Commission can schedule the Public Hearing at the April 6 Business Meeting. Mr. Stidham replied that if

everyone is comfortable with the draft, an item to schedule the Public Hearing can be added to the Business Meeting agenda.

REVIEW OF AGENDA ITEMS FOR APRIL 6, 2018 BUSINESS MEETING

Mr. Stidham noted that he will add the draft Historic Resources Plan to the agenda as a new Item #5 after the minor subdivision review. Revised agendas will be provided at the meeting.

Mr. Fincham provided an update on the Hitchen major subdivision application. He said that the applicant provided revised plans by the submission deadline and copies were immediately sent to VDOT and the County's engineering consultant. The consultant provided comments on the revision earlier today noting that Planning Staff can work with the applicant to ensure that their remaining comments are addressed so no additional consultant review is necessary. He said that DEQ has not provided a response to the applicant's engineer yet on the stormwater review and that this could take additional time. He also reported that the applicant's agent said he spoke with Bobby Boyce at VDOT and was told that there were no additional concerns. He added that VDOT's comments have not been formally provided yet. He said that the applicant's engineer did provide the bond estimate information today and it has been forwarded to the County's consultant for review. He concluded by stating that it is possible that all outstanding issues could be resolved by the Business Meeting except for DEQ's stormwater review. The applicant's engineer is requesting a conditional approval subject to resolution of the stormwater issues with DEQ. He added that the applicant is willing to request an additional deferral if the Commission has concerns with a conditional approval.

Chair Ohrstrom asked if Staff would be comfortable with a conditional approval. Mr. Fincham replied that the applicant's engineer said that they can address all of DEQ's most recent comments but that more comments would likely be provided by DEQ on the re-submission. Mr. Stidham suggested that if the Commission wanted to grant conditional approval, it could include a statement that the approval is subject to DEQ's comments not requiring any material changes to the conditionally-approved plat. Chair Ohrstrom asked what the members thought about a conditional approval and several members indicated that they want to wait for the DEQ approval before acting on the plat. Mr. Fincham said that he will inform the applicant of the Commission's concerns and will remove the item from the agenda if the applicant decides to request another deferral.

Mr. Nelson asked Mr. Fincham where the cut material from the site would be going. Mr. Fincham said that he will find out and report back to the Commission.

Mr. Fincham reviewed the Pierson-Bailey minor subdivision application and noted that this property was the subject of an appeals case before the Board of Zoning Appeals last year. Mr. Glover noted that he shares a boundary line with this property and asked if he is required to recuse himself from consideration. Chair Ohrstrom replied that if he does not have an economic interest in the matter, then there is no need for him to recuse himself. Members had no additional questions about the application.

OLD BUSINESS ITEMS

Progress Report, Ordinance Update Project
Mr. Stidham briefly reviewed the progress report on the Ordinance Update Project. He noted that the next Committee meeting is scheduled for Wednesday, April 11 at 2:00PM.

OTHER BUSINESS
None

The meeting was adjourned by consensus at 3:23PM.

George L. Ohrstrom, II (Chair)	Brandon Stidham, Planning Director

Clarke County

PLANNING COMMISSION
BUSINESS MEETING MINUTES - DRAFT
FRIDAY, APRIL 6, 2018

A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, April 6, 2018.

ATTENDANCE
Present: George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault; Randy Buckley; Bob Glover; Doug Kruhm, Mary Daniel; Scott Kreider; Frank Lee; Gwendolyn Malone; and Cliff Nelson.

Staff Present: Brandon Stidham, Planning Director; Ryan Fincham, Senior Planner/Zoning Administrator; and Debbie Bean, Recording Secretary.

CALLED TO ORDER
Chair Ohrstrom called the meeting to order at 9:00 a.m.

Mr. Stidham said that the agenda has been revised with the deferral of Peter & Melanie Hitchen's proposed Major Subdivision for one month. He stated that the addition of the Draft 2018 Historic Resources Plan has been added for scheduling a public hearing for next month. He said there is a correction to the Minor Subdivision for Amelia D. Pierson Bailey, et als, due to the misspelling of her last name being incorrect (Pearson).

APPROVAL OF AGENDA
The Commission voted to approve the revised agenda as presented.
Yes: Bouffault, Buckley, Caldwell, Daniel, Glover, Kreider, Kruhm, Lee, Malone (seconded), Nelson (moved) and Ohrstrom
No: No one

APPROVAL OF MINUTES
The Commission voted to approve the Planning Commission Work Session Meeting minutes of February 27, 2018.
Yes: Bouffault (seconded), Buckley, Caldwell (moved), Daniel, Glover, Kreider, Kruhm, Lee, Malone, Nelson and Ohrstrom
No: No one

The Commission voted to approve the Planning Commission Business Meeting minutes of March 2, 2018.
Yes: Bouffault (moved), Buckley (seconded), Daniel, Glover, Kreider, Kruhm, Lee, Malone, Nelson and Ohrstrom
No: No one
Abstained: Caldwell

Continued Public Hearing - Major Subdivision Application

S-17-01, Peter O. & Melanie M. Hitchen- Major Subdivision
Request deferred for one month by Applicant.

Mr. Fincham stated that the applicant has requested to defer this proposed request for another month in order to allow time to receive final comments from the Virginia Department of Transportation and the Department of Environmental Quality.

Minor Subdivision

MS-18-02, Amelia D. Pierson Bailey, Trustee; Helen M. Pierson; Estate of F. Stanley Pierson.
Request approval of a two lot Minor Subdivision for the property identified as Tax Map #25-A-27A, located in the 300 block of Saw Mill Hill Road in the Millwood Election District, zoned Forestal Open-Space Conservation (FOC).

Mr. Fincham stated that this request is for a two lot Minor Subdivision. He said that the Virginia Department of Transportation (VDOT) has reviewed the plat and offered comments including plat changes which have already been addressed by the surveyor. He stated that a permit from VDOT is required for any entrance construction. He said that both lots have been field reviewed by the Health Department. He stated that Lot 1 has an existing septic drainfield with no record and a proposed 200% reserve area as shown on the plat. He said that Lot 1 is served by a private well. He stated that Lot 2 will be served by a three bedroom alternative septic drainfield and 100% alternative septic reserve area. He said that Lot 2 will be served by a private well as shown on the plat. He stated that Health Department is prepared to sign the final plats.

Mr. Fincham stated that the Bailey Family (applicants) are here today to answer any questions the Commission might have.

After discussion with Staff and the Commission, Chair Ohrstrom called for a motion.

The Commission recommends approval of this request on condition that changes to the plat notes be included in the revised version of the plat.
Yes: Bouffault (seconded), Buckley, Caldwell (moved), Daniel, Glover, Kreider, Kruhm, Lee, Malone, Nelson and Ohrstrom
No: No one

Draft 2018 Historic Resources Plan

Mr. Stidham stated that this item is to schedule the public hearing for the Draft 2018 Historic Resources Plan. He said that Staff made this presentation at the April 3, 2018 Work Session Meeting and if there are any questions he will attempt to answer them but otherwise we are looking for the Commission to schedule public hearing for the May 4, 2018 Planning Commission Business Meeting.

The Commission voted to set public hearing for the 2018 Revised Historic Resources Plan for the May 4, 2018 Planning Commission meeting.

Yes: Bouffault (moved), Buckley (seconded), Caldwell, Daniel, Glover, Kreider, Kruhm, Lee, Malone, Nelson and Ohrstrom

No: No one

Board/Committee Reports

Board of Supervisors (Mary Daniel)

Commissioner Daniel stated that since our last meeting there have been two more meetings at the Board of Supervisors level regarding the budget. She said that the most recent meeting was earlier this week for the budget and the tax rate which there were no public comments. She said that the budget is on the County website and everyone is welcome to take a look.

Board of Septic & Well Appeals (George Ohrstrom, II)

Chair Ohrstrom stated that the Board of Septic and Well Appeals approved a well ordinance variance on March 9, 2018.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that Historic Preservation Commission approved a Certificate of Appropriateness to build a single family dwelling on the property where a house was demolished. He said the awards luncheon is scheduled for May 16, 2018.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that the Conservation Easement Authority is trying to close a few easements and we may send out a solicitation for donations.

Other

Commissioner Daniel stated there was a meeting yesterday for Broadband with representatives from Comcast and Shentel attending. She said that unfortunately they did not pledge to extend broadband to all portions of Clarke County regardless of cost or user levels. She said that the process will continue to move forward. Commissioner Bouffault stated that currently there is a price war among providers and this makes it difficult for the tower builders to find interested providers because it takes a lot of money to build a tower.

Mr. Fincham said that at the May Planning Commission meeting there will be a minor subdivision with a maximium lot size exception for the McIntire Cattle Company, Inc. He said that there will also be a Special Use Permit/Site Plan for an event venue for Kentlands. He stated there is also the possibility that Thomas Walker will file an application for a minor subdivision.

On motion by Commissioner Caldwell and seconded by Commissioner Kreider the meeting was adjourned at 9:26 a.m.

George L. Ohrstrom, II, Chair	Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary

Clarke County Planning Department

101 Chalmers Court, Suite B
Berryville, Virginia 22611
(540) 955-5132
www.clarkecounty.gov

TO: **Planning Commission members**

FROM: **Brandon Stidham, Planning Director**
Alison Teetor, Natural Resources Planner

RE: **Public Hearing - Draft 2018 Historic Resources Plan**

DATE: **May 4, 2018**

As proposed at the April 3 Work Session attached is the Draft 2018 Historic Resources Plan. This revised Plan was developed by the Historic Preservation Commission (HPC), Maral Kalbian (Architectural Historian), and Planning Staff with oversight by the Commission's Comprehensive Plan Committee. Similar to our recent efforts to revise the Comprehensive Plan and component plans, the purpose of the revision was to update the County's historic preservation efforts since the Plan was last updated in 2007 and to modernize the Plan's recommended goals and objectives. The revised Plan is also recommended to be placed on a five-year schedule for review and potential revisions.

The revised Plan is scheduled for Public Hearing at the May 4 Business Meeting. If the Commission forwards a formal recommendation on the revised Plan, it will be presented to the Board of Supervisors at their May 15 meeting for them to consider scheduling Public Hearing at their June 19 meeting. If you have questions, please do not hesitate to contact us.

MINOR SUBDIVISION (MS-18-03) / MAXIMUM LOT SIZE EXCEPTION (MLSE-18-02)
McIntire Cattle Company, Inc.
May 4, 2018 Planning Commission Meeting
STAFF REPORT -- Department of Planning

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed minor subdivision. It may be useful to members of the general public interested in this proposed subdivision.

Case Summary

Applicant(s):
McIntire Cattle Company, Inc.

Location:
- Subject property is located at 1528 Lewisville Road
- Tax Map Parcel #9-A-5
- Russell Election District (Nelson and Ohrstrom, II)

Zoning District and Lot Guidelines:
Agricultural Open Space-Conservation (AOC)

Proposed Lot Configurations:
5.7959 acres - Area of Lot 1
101.5382 acres - Area of Lot 2
107.3341 acres - Area of Tax Map #9-A-5

Request:
Approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #9-A-5, located at 1528 Lewisville Rd in the Russell Election District zoned Agricultural Open-Space Conservation (AOC).

Staff Discussion/Analysis:
The applicant is utilizing the properties one allowable maximum lot size exception for the existing pre-1980 house at 1528 Lewisville Road. The applicant does not intend to build a house on Lot 2 in the near future but does intend to build a large cattle barn. An existing shed structure on Lot 2 with no foundation is located 58 feet from the proposed Lot 1 property line. The required setback for a property over 20 acres in size is 75 feet. The applicant has requested that the relocation of the building be permitted to occur once the new cattle barn is built on Lot 2. Staff recommends adding a plat note stating, "The structure identified on Lot 2 as "bld. no foundation" located 58 feet from the proposed Lot 1 property line must be moved within 6 (six) months of plat recordation." Staff will assure the structure is moved.

Access:
The ingress/egress for Lot 1 will be the existing driveway shown on the plat. The ingress/egress for the Lot 2 is shown on the plat identified as VDOT approved entrance. Lot 2 also has extensive road

frontage. VDOT reviewed the request and has no objection to the proposed subdivision. A permit from VDOT is required for any entrance construction.

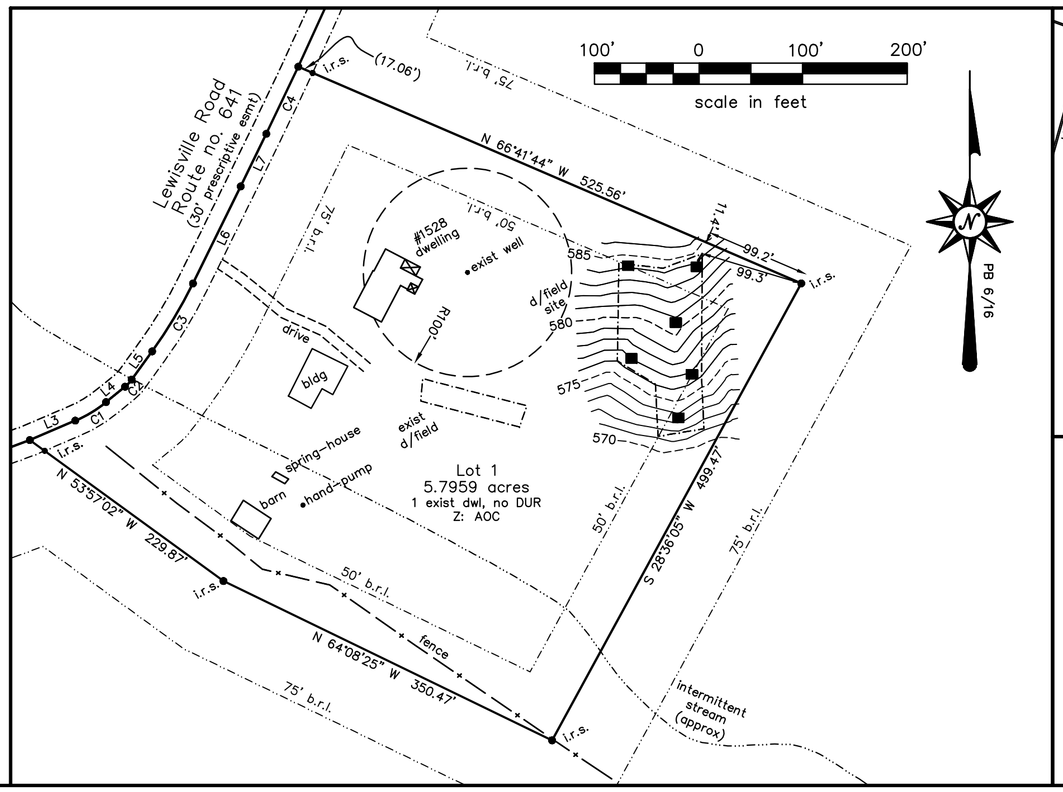
Water and Sewage Disposal:
Proposed septic areas have been field reviewed by the Health Department. Lot 1 currently has an existing septic drainfield which served the existing house, and there is a proposed 200% reserve area as shown on the plat. There is an existing spring house and spring (not located on County GIS) south of the existing house approximately 145' from the existing septic system. The proposed new septic area is approximately 335' from the spring. Clarke County Septic Ordinance 143-9-D states that a replacement septic system may encroach on minimum setback distances for site features such as springs, so long as they are no closer to the feature than the existing system and the encroachment is not likely to cause a significant threat to public health or the environment as determined by the Health Department. The Health Department comment letter addresses this issue. The house appears to have been vacant for many years. According to the Clarke County Septic Ordinance 143-10-F Reutilization of Existing Systems, when the use of an existing septic system has been discontinued and the structure that the system is proposed to serve has not been in recent and continuous service for the previous two years, then the system must meet current standards. The owner will need to work with the Health Department to comply with the Ordinance prior to occupancy. Lot 1 is served by an existing drilled well. The well is closer than 50 feet to the house, and may be utilized, but the structure may not be chemically termite treated. Also, the Health Department or Building Department may require water testing for bacteria prior to occupancy. Lot 2 is more than 100 acres in size with no existing house and therefore by Ordinance does not have to show a proposed septic system or well. If a well or septic system is needed for the agricultural operation or for a future house, then the owner will work with the Health Department on approvals. VDH is prepared to sign the final plats.

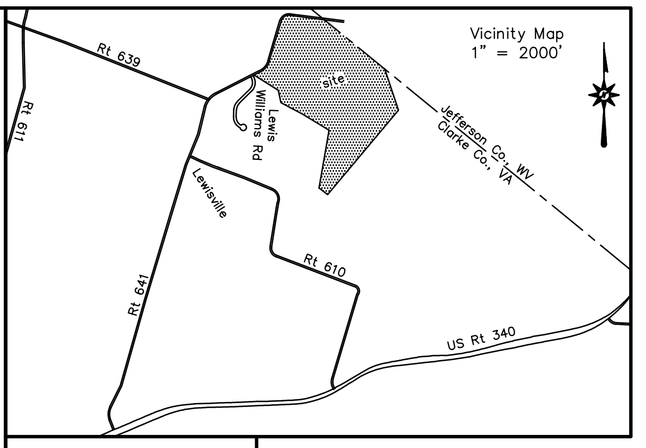
Karst Plan / Resistivity Test:
The resistivity tests have been reviewed and approved by County consultant Dan Rom for the proposed septic areas. Mr. Rom notes that no shifting of the site area is permitted without reexamination.

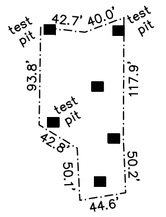
Recommendation:
Staff recommends approval of a two lot Minor Subdivision and Maximum Lot Size Exception for the property identified as Tax Map #9-A-5, located at 1528 Lewisville Rd in the Russell Election District zoned Agricultural Open-Space Conservation (AOC). Staff will assure compliance with the relocating of the shed structure.

History:

April 6, 2018	Complete application filed with the Department of Planning.
May 4, 2018	Placed on the Commission's business meeting agenda.







drainfield detail
1" = 100'

COMMONWEALTH OF VIRGINIA
W. Stuart Dunn
Lic. No. 2000
28 March 2018
LAND SURVEYOR

Surveyor's Certificate: I, W. Stuart Dunn, a duly licensed Land Surveyor in the Commonwealth of Virginia, do hereby certify that the land herein subdivided is in the name of McIntire Cattle Company, Inc, and was acquired as stated in the Owner's Certificate. I further certify that these parcels are properly and accurately described and are within the boundary of the original tract and are referenced to the meridian established as Plat Book 6, Page 16. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

W. Stuart Dunn, CLS #2000
Berryville, Virginia

Owner's Certificate: The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision and Maximum Lot Size Exception of 107.3341 acres, being Tax Map 9–A–5, recorded in the name of McIntire Cattle Company, Inc in deed recorded in Deed Book 623, Page 218, is made with the free consent and in accordance with the desires of the undersigned owner of said land, and trustees if any, and the same is hereby confirmed and submitted for record in the Clerk's Office of the Circuit Court of Clarke County, Virginia.

for McIntire Cattle Company, Inc
418 Page Street, Berryville VA 22611

Commonwealth of Virginia, City/County of , to wit: I, , a Notary Public for said City/County of , do hereby certify that , whose name is signed in the Owners' Certificate, have acknowledged the same before me.

My commission expires:

Notary Public:

Given under my hand this day of 2018.

Notary Public

Notes:
(1) Lot 1, 5.7959 acres, has one (1) existing dwelling and no DUR. Lot 2, 101.5382 acres has no existing dwelling and two (2) DUR.
(2) Setbacks as follows:
Lot 1: 75' from the centerline of Lewisville Road, Route no. 641, 50' all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring and/or sinkhole.
Lot 2: 100' from the centerline of Lewisville Road, Route no. 641, 75' all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring and/or sinkhole.
(3) Tracts are in AOC Zoning District (agricultural – open space – conservation); use is residential/agricultural.
(4) i.r.s. = iron rod set; i.r.f. = iron rod found; b.r.l. = building restriction line; d/field = drainfield; DUR = dwelling unit right; gpd = gallons per day
(5) These tracts are in the AOC (agricultural – open space – conservation) zoning district. Agriculture is the primary economic activity of this Zoning District. Owners, residents, other users of property in the AOC district may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and County. Such agricultural operations may generate noise, odors and dust, may involve the operation of machinery including aircraft, the storage and disposal of manure and the application of fertilizer, soil amendments and pesticides. Owners, occupants and users of land in the AOC District should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a Zoning District in a County with a strong rural character and an active agricultural sector.
(6) This land is in Flood Zone X, established from FIRM Community Panel no. 51043C0140D, effective September 28, 2007.
(7) The permit on file at the Clarke County Health Department shows that the existing drainfield on Lot 1 is for a 3 bedroom house with a maximum capacity of 600 g.p.d. These standards are no longer current. The reserve drainfield site on Lot 1 has been approved by the Clarke County Health Department for a system with a maximum capacity of 600 g.p.d.
(8) Before fertilizers and pesticides are used for lawn or landscaping purposes, a soil test should be conducted. The application of such chemicals shall be limited due to the potential for groundwater contamination and should not exceed that determined necessary by the soil test.
(9) Resistivity tests have been completed on the reserve drainfield site of Lot 1. Results of these tests are available at the Clarke County Zoning Department.
(10) The location of the existing drainfield on Lot 1 was established on site by consulting AOSE.

Bloomfield Farm

Minor Subdivision and Maximum Lot Size Exception
of the Land of
McIntire Cattle Company, Inc
Tax Map 9–A–5 Deed Book 623, Page 218
Longmarsh Magisterial District, Clarke County, Virginia

Approval:

_____
Clarke County Zoning Administrator date:

_____
Chairman of Planning Commission date:

_____
Clarke County Health Department date:

Area Table:

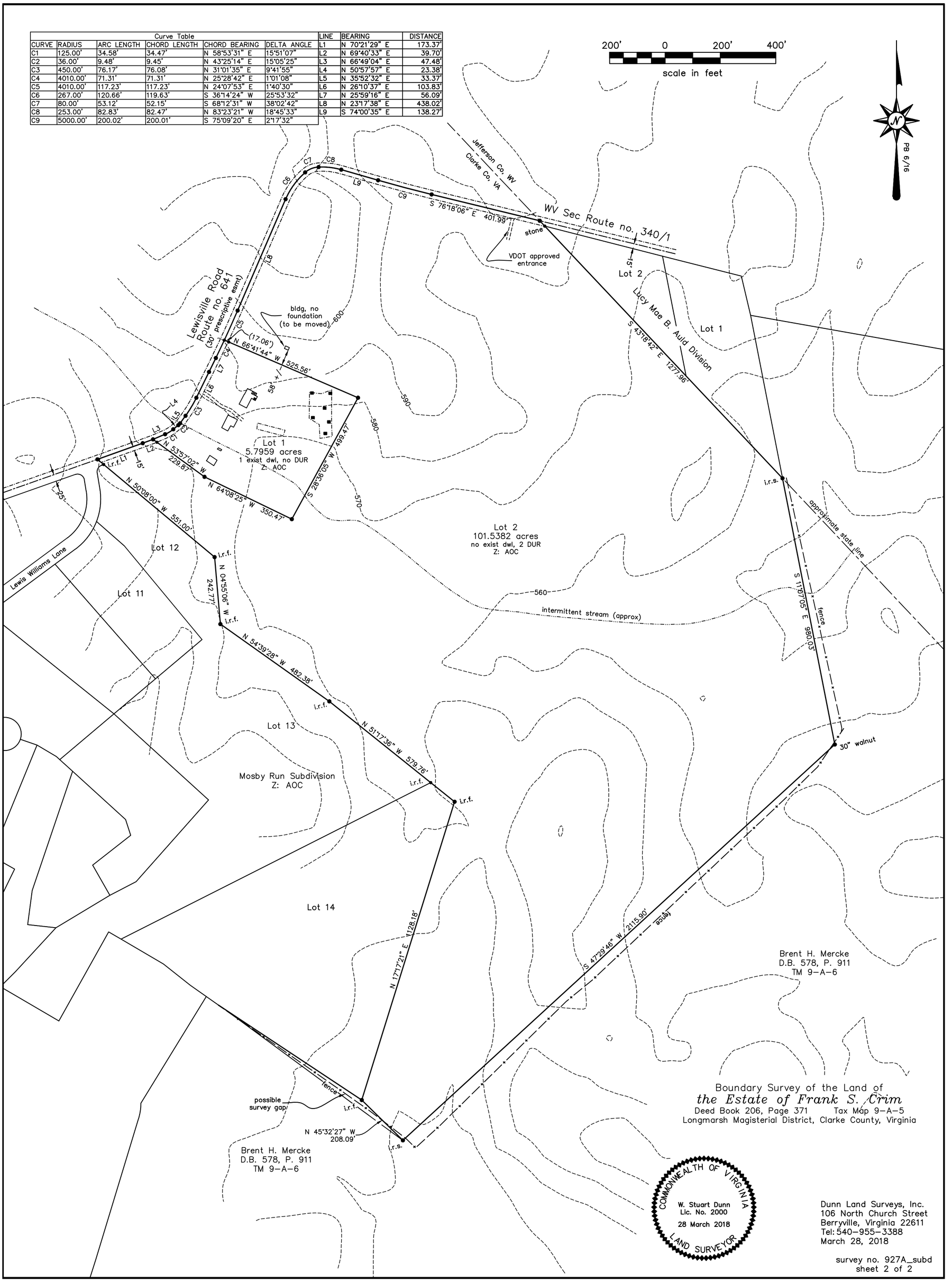
107.3341 acres	area of TM 9–A–5	1 exist dwl, 2 DUR
5.7959 acres	area of Lot 1	1 exist dwl, no DUR
101.5382 acres	area of Lot 2	no exist dwl, 2 DUR
0.0000 acres	area dedicated to public use	

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540–955–3388
March 28, 2018

survey no. 927A_subd
sheet 1 of 2

Curve Table					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	125.00'	34.58'	34.47'	N 58°53'31" E	15°51'07"
C2	36.00'	9.48'	9.45'	N 43°25'14" E	15°05'25"
C3	450.00'	76.17'	76.08'	N 31°01'35" E	9°41'55"
C4	4010.00'	71.31'	71.31'	N 25°28'42" E	1°01'08"
C5	4010.00'	117.23'	117.23'	N 24°07'53" E	1°40'30"
C6	267.00'	120.66'	119.63'	S 36°14'24" W	25°53'32"
C7	80.00'	53.12'	52.15'	S 68°12'31" W	38°02'42"
C8	253.00'	82.83'	82.47'	N 83°23'21" W	18°45'33"
C9	5000.00'	200.02'	200.01'	S 75°09'20" E	2°17'32"

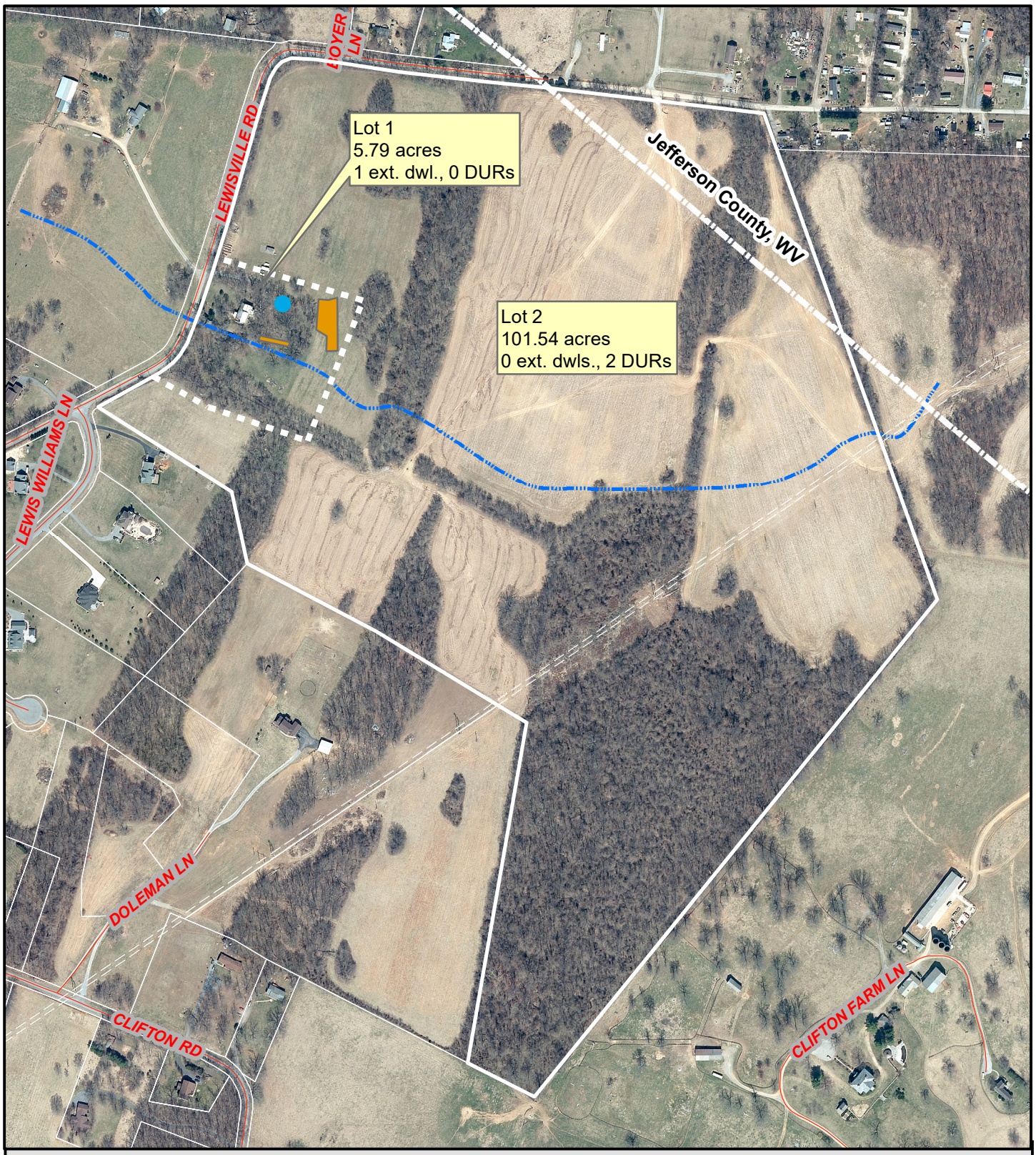
LINE	BEARING	DISTANCE
L1	N 70°21'29" E	173.37'
L2	N 69°40'33" E	39.70'
L3	N 66°49'04" E	47.48'
L4	N 50°57'57" E	23.38'
L5	N 35°52'32" E	33.37'
L6	N 26°10'37" E	103.83'
L7	N 25°59'16" E	56.09'
L8	N 23°17'38" E	438.02'
L9	S 74°00'35" E	138.27'



Boundary Survey of the Land of
the Estate of Frank S. Crim
Deed Book 206, Page 371 Tax Map 9-A-5
Longmarsh Magisterial District, Clarke County, Virginia

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540-955-3388
March 28, 2018

survey no. 927A_subd
sheet 2 of 2



Bloomfield Farm
McIntire Cattle Company
Tax Map# 9-A-5
107.33 acres, 0 ext. dwl., 2 DURs

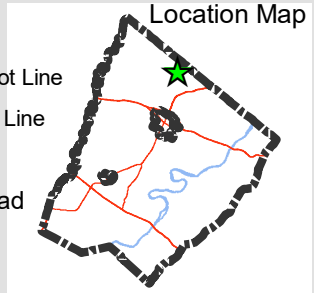
200 100 0 200 Feet

Clarke County GIS
April 12, 2018

Legend

- Parcel Boundary
- Conservation Easements
- Structures
- Drainfield
- Well
- Proposed Lot Line
- Existing Lot Line
- Roads
- Private Road

Location Map



Lord Fairfax Health District

Clarke County Health Department
100 North Buckmarsh Street
Berryville, Virginia 22611
Tel. (540) 955-1033 ~ Fax (540) 955-4094
www.vdh.virginia.gov

March 29, 2018

Robert B. Charnley, III
Cloverleaf Environmental Consulting, Inc.
PO Box 446
Berryville, Virginia 22611

RE: Private OSE Courtesy Review Request

Owner/Agent:	McIntire Cattle Company
Owner Address:	418 Page St. Berryville, VA 22611
Site Address:	1528 Lewisville Rd. Berryville, VA 22611
Tax Map#:	9-A-5
Health Dept. ID#:	043180053

Dear Mr. Charnley,

The courtesy review application filed on March 16, 2018 was field reviewed on March 28, 2018 by Jim Davis, Environmental Health Supervisor, with respect to requirements of the Virginia Department of Health Sewage Handling and Disposal Regulations, Alternative Onsite Sewage Regulations and the Clarke County Septic and Well Ordinances (Chapters 143 & 184) and applicable policies, the following comments are offered: (This does not constitute an approval).

The submittal was positively reviewed as proposed with the following comments:

1. The submittal was for 1 drainfield footprint: A 600 gallon per day conventional primary drainfield and a 100% reserve area utilizing a TL-2 design. This is a 100 acre tract in which the proposal is to subdivide 5 acres that will include an existing dwelling designated as 1528 Lewisville Rd. The property appears to be vacant and may have been vacant for more than two years. There is an existing septic tank and gravity fed drainfield serving the dwelling. There is a permit and record of inspection on file dated August 18, 1977 & August 19, 1977 respectively. The existing system is designed to accommodate 600 gallons per day and no reserve area is provided.
2. Backhoe pits were provided for a soils review. This department generally concurs with the site and soil profile descriptions submitted with the courtesy review application.
3. There is an existing drilled well, cistern and spring associated with the existing dwelling and the proposed 5 acre lot to be subdivided from the parent tract. All required setbacks are met except for the setback distance from the proposed drainfield to an existing spring. The property is located in a karst area and the proposed drainfield is upslope from the spring. The separation distance provided is 335 feet and less than the required 500 feet per the Clarke

County Septic Ordinance. The plume from the proposed drainfield is likely to be down gradient from the spring. The existing septic tank and drainfield is located closer to the spring than the proposed new primary drainfiled site and 100% reserve area. The separation distance provided exceeds the minimum requirements of the Sewage Handling and Disposal Regulations. This department does not believe that the proposed new primary drainfield site and 100% reserve area will pose a significant threat to public health or the environment. There appears to be other potential drainfield sites on the parent tract that would meet the 500 feet separation distance from the existing spring and be within 400 feet of the foundation of the existing dwelling but appear to be beyond the proposed boundary of the proposed 5 acres to be subdivided.

4. There is no record on file for the existing well.
5. The health department must review future applications for design, layout, and proposed bedrooms or other uses. The health department may conduct other site visits at the time of application to evaluate setback distances and other requirements, specifically local ordinance requirements.
6. This site will be required to have a resistivity test prior to applying to this office for future review due to being in a karst area. For more information refer to: http://clarkecounty.gov/government/county-documents/health-department/157-resistivity-process-contacts/file.html

Please use this letter with regards the suitability of areas for primary drainfield and reserve area for only the site requested for review. This letter is not a case decision and does not imply or denote any guarantee of issuance of a construction permit, certification letter, or subdivision approval.

If you have any questions, please contact me at 540.955.1033

Sincerely,

Jim Davis, REHS, AOSE
Environmental Health Supervisor

Clarke County - Route 641 "Lewisville Road" - Bloomfield Farm/McIntire Cattle Company, Inc. - Minor Subdivision and Maximum Lot Size Exception

From :	Boyce, Arthur <bobby.boyce@vdot.virginia.gov>	Wed, Apr 04, 2018 03:38 PM
Subject :	Clarke County - Route 641 "Lewisville Road" - Bloomfield Farm/McIntire Cattle Company, Inc. - Minor Subdivision and Maximum Lot Size Exception	
To :	Ryan Fincham <rfincham@clarkecounty.gov>, dunnland1@verizon.net	

External images are not displayed. Display images below

Dear Mr. Fincham:

We have reviewed the above referenced subdivision plat dated March 28, 2018 by Dunn Land Surveys for impacts to the transportation system. Our comments are as follows:

- Minimum sight distance can be obtained by removing vegetation along the owners property frontage. This will allow the installation of the a VDOT Standard Private Entrance (PE-1).
- A Land Use Permit shall be obtained before any work is performed on the State's right-of-way. The permit is issued by this office and will require application fees and surety coverage. Once satisfactory application has been made, a permit will normally take 10-20 days to process and issue.

We appreciate the County's efforts to include VDOT in the early planning stages for development and the opportunity to provide comments on this subdivision. We ask that you include a copy of this official public record in file for the subdivision. If you have any questions or need further information, please do not hesitate to give me a call.

Respectfully,

Bobby Boyce
LAND DEVELOPMENT ENGINEER
CLARKE, FREDERICK, SHENANDOAH,
& WARREN COUNTIES
14031 OLD VALLEY PIKE
EDINBURG, VIRGINIA 22824
(540)984-5631

MINOR SUBDIVISION (MS-18-04)
Walker Arena LLC
May 4, 2018 Planning Commission Meeting
STAFF REPORT -- Department of Planning

The purpose of this staff report is to provide information to the Planning Commission to assist them in reviewing this proposed minor subdivision. It may be useful to members of the general public interested in this proposed subdivision.

Case Summary

Applicant(s):
Thomas Walker

Location:
- Subject property is located at 44 and 114 Pierce Road
- Tax Map Parcel #6-A-38
- Russell Election District (Nelson and Ohrstrom, II)

Zoning District and Lot Guidelines:
Agricultural Open Space-Conservation (AOC)

Proposed Lot Configurations:
200.417 acres - Area of Residue Lot
3.00 acres - Area of Lot 2
203.417 acres - Area of Tax Map #9-A-5

Request:
Approval of a one lot Minor Subdivision for the property identified as Tax Map #6-A-38, located at 44 and 114 Pierce Road in the Russell Election District zoned Agricultural Open-Space Conservation (AOC).

Staff Discussion/Analysis:
The applicant is proposing a 3 acre lot around an existing house (#114 Piece Rd.) and an existing septic system and septic reserve area. In order to comply with the 3 acre maximum average lot size and in order not to create an irregular shaped lot, the applicant is proposing a well and waterline easement for the existing well serving the house. The Clarke County Well Ordinance stipulates that new drilled wells must be on the same lot with the structure it serves, but this provision does not apply to existing wells. The Health Department has no code to prevent such actions. Health Department staff recommends a Deed of Easement be properly established. Also, in order to maintain the 3 acre maximum average lot size, Lot 2 is not extended to the Residue property line along Rt. 7, which will leave a 50' strip of land for tractors and mowers to access.

Access:
The ingress/egress for the Residue Lot will be the existing driveway shown on the plat leading to the main house and horse barn and arena. The ingress/egress for the Lot 2 is shown on the plat

which is an existing 30' access easement. VDOT comments were received Friday afternoon, and Staff will address those comments at the Work Session.

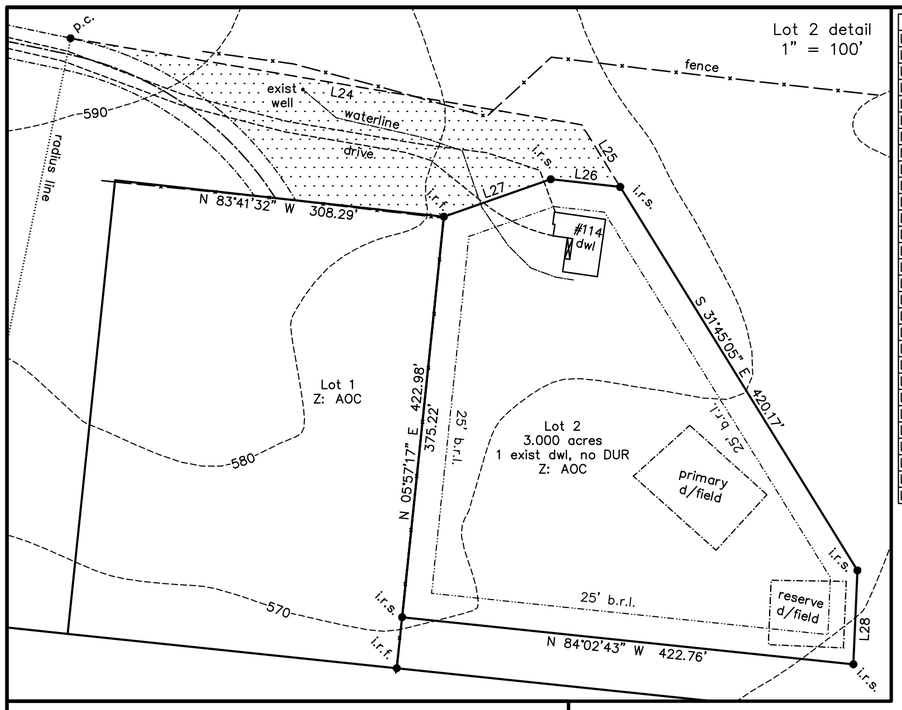
Water and Sewage Disposal:
There are no proposed septic areas which need to be field reviewed by the Health Department. Lot 2 currently has an existing septic drainfield and 100% septic reserve which serves the existing three bedroom house (#114) as shown on the plat. As mentioned previously, Lot 2 is served by an existing drilled well which will be located on the Residue Lot after subdivision, and a recorded deed of easement is required for the well and waterline. The Residue Lot is more than 100 acres in size. The existing three bedroom house (#44) is served by the existing well and septic system shown on the plat. VDH is prepared to sign the final plats.

Karst Plan / Resistivity Test:
No resistivity tests required.

Recommendation:
Staff recommends approval of a one lot Minor Subdivision for the property identified as Tax Map #6-A-38, located at 44 and 114 Pierce Road in the Russell Election District zoned Agricultural Open-Space Conservation (AOC). Staff will assure compliance with the well and waterline easement.

History:

April 6, 2018	Complete application filed with the Department of Planning.
May 4, 2018	Placed on the Commission's business meeting agenda.



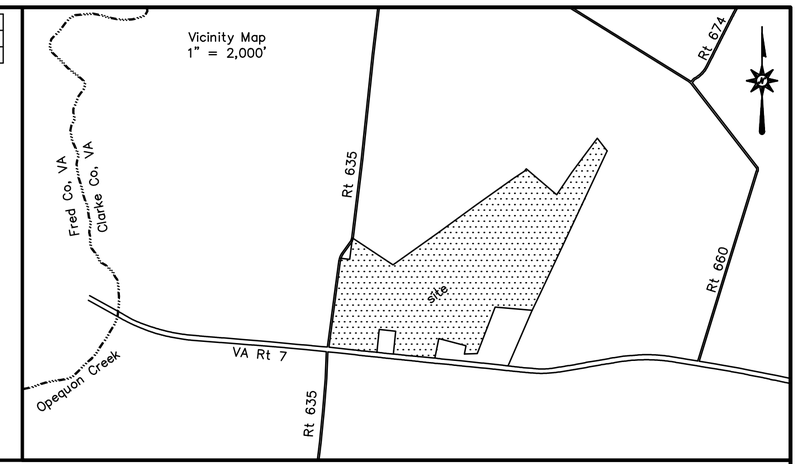
Line Table		
LINE	BEARING	DISTANCE
L1	S 83°15'07" E	193.52'
L2	N 07°51'07" E	393.11'
L3	N 27°16'58" E	338.63'
L4	S 27°19'00" E	210.19'
L5	N 86°35'36" W	148.72'
L6	S 23°32'48" W	335.30'
L7	S 82°27'35" W	169.44'
L8	N 18°25'40" E	139.66'
L9	N 71°54'29" W	227.60'
L10	N 75°21'18" W	301.96'
L11	N 11°09'49" E	178.01'
L12	N 84°02'43" W	250.90'
L13	S 11°09'49" W	523.00'
L14	N 05°57'17" E	422.98'
L15	N 83°41'32" W	308.29'
L16	S 05°57'17" W	424.88'
L17	N 67°28'24" W	104.24'
L18	N 78°09'21" W	100.28'
L19	N 34°48'20" W	46.15'
L20	N 03°42'21" W	50.04'
L21	N 82°02'08" W	20.00'
L22	N 08°35'59" E	237.97'
L23	N 07°46'59" E	307.85'
L24	S 80°23'42" E	482.94'
L25	S 31°45'05" E	68.17'
L26	S 83°41'32" E	65.05'
L27	N 70°42'25" E	105.51'
L28	S 02°28'37" W	87.56'

Curve Table					
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	325.00'	80.38'	80.18'	S 14°56'32" W	14°10'17"

400' 0 400' 800'
scale in feet

COMMONWEALTH OF VIRGINIA
W. Stuart Dunn
No. 2000
6 April 2018
LAND SURVEYOR

DB 278/711



Surveyor's Certificate: I, W. Stuart Dunn, a duly licensed Land Surveyor in the Commonwealth of Virginia, do hereby certify that the land herein subdivided is in the name of Walker Arena, LLC, and was acquired as stated in the Owner's Certificate. I further certify that these parcels are properly and accurately described and are within the boundary of the original tract and are referenced to the meridian established as Plat Book 5, Page 7. I further certify that the monuments designated hereon have been set in accordance with the Subdivision Ordinance of Clarke County, Virginia.

W. Stuart Dunn, CLS #2000
Berryville, Virginia

Owner's Certificate: The undersigned fee simple owner hereby certifies that the foregoing Minor Subdivision of 3.000 acres, being a portion of Tax Map 6–A–38, recorded in the name of Walker Arena, LLC in deed recorded in Deed Book 494, Page 852, is made with the free consent and in accordance with the desires of the undersigned owner of said land, and trustees if any, and the same is hereby confirmed and submitted for record in the Clerk's Office of the Circuit Court of Clarke County, Virginia.

Thomas Leroy Walker
for Walker Arena, LLC
44 Pierce Road, Berryville VA 22611

Commonwealth of Virginia, City/County of Clarke, to wit: I, , a Notary Public for said County of Clarke, do hereby certify that Thomas Leroy Walker, whose name is signed in the Owners' Certificate, has acknowledged the same before me.

My commission expires:

Notary Public:

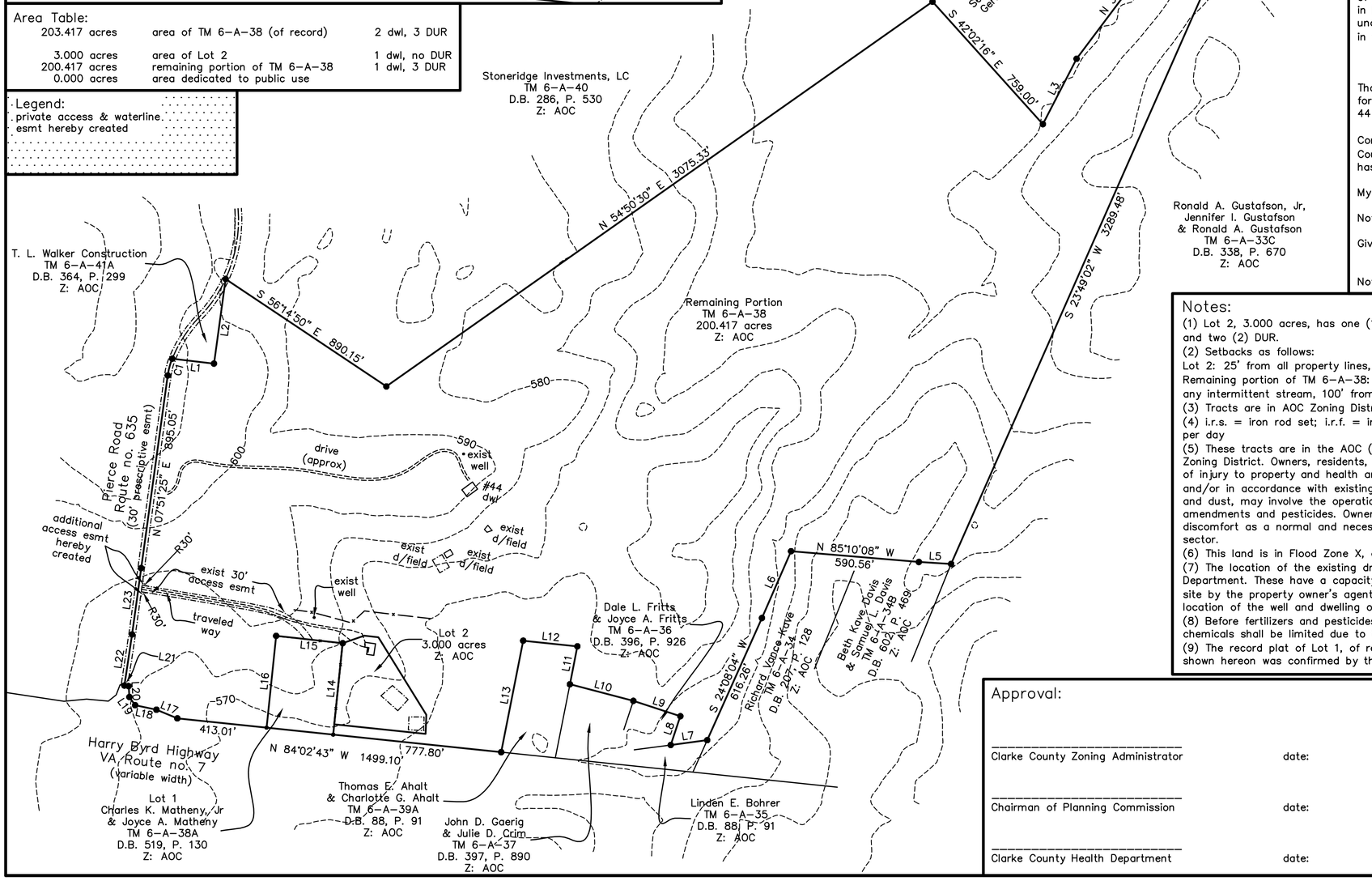
Given under my hand this day of 2018.

Notary Public

Area Table:

203.417 acres	area of TM 6–A–38 (of record)	2 dwl, 3 DUR
3.000 acres	area of Lot 2	1 dwl, no DUR
200.417 acres	remaining portion of TM 6–A–38	1 dwl, 3 DUR
0.000 acres	area dedicated to public use	

Legend:
private access & waterline esmt hereby created



Notes:
(1) Lot 2, 3.000 acres, has one (1) existing dwelling and no DUR. The remaining portion of TM 6–A–38, 200.417 acres, has one existing dwelling and two (2) DUR.
(2) Setbacks as follows:
Lot 2: 25' from all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring and/or sinkhole.
Remaining portion of TM 6–A–38: 125' from the edge of VA Route no. 7, 100' from centerline of Route no. 635, 75' all property lines, 50' from any intermittent stream, 100' from any perennial stream, spring and/or sinkhole.
(3) Tracts are in AOC Zoning District (agricultural – open space – conservation); use is residential/agricultural.
(4) i.r.s. = iron rod set; i.r.f. = iron rod found; b.r.l. = building restriction line; d/field = drainfield; DUR = dwelling unit right; gpd = gallons per day
(5) These tracts are in the AOC (agricultural – open space – conservation) zoning district. Agriculture is the primary economic activity of this Zoning District. Owners, residents, other users of property in the AOC district may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from agricultural operations even though conducted in accordance with best management practices and/or in accordance with existing laws and regulations of the Commonwealth and County. Such agricultural operations may generate noise, odors and dust, may involve the operation of machinery including aircraft, the storage and disposal of manure and the application of fertilizer, soil amendments and pesticides. Owners, occupants and users of land in the AOC District should be prepared to accept such inconveniences or discomfort as a normal and necessary aspect of living in a Zoning District in a County with a strong rural character and an active agricultural sector.
(6) This land is in Flood Zone X, established from FIRM Community Panel no. 51043C0045D, effective September 28, 2007.
(7) The location of the existing drainfield and reserve drainfield on Lot 2 was established from data available at the Clarke County Health Department. These have a capacity for a 3 bedroom dwelling, 6 people and 450 gpd. The location of the existing waterline was determined on site by the property owner's agent. The drainfields on Remaining Portion have a capacity for a 3 bedroom dwelling, 6 people and 450 gpd. The location of the well and dwelling on Remaining Portion is only approximate.
(8) Before fertilizers and pesticides are used for lawn or landscaping purposes, a soil test should be conducted. The application of such chemicals shall be limited due to the potential for groundwater contamination and should not exceed that determined necessary by the soil test.
(9) The record plat of Lot 1, of record in the Circuit Court of Clarke County, contains a distance error on its Eastern sideline. The distance shown hereon was confirmed by the Land Surveyor for said project.

Approval:

Clarke County Zoning Administrator date:

Chairman of Planning Commission date:

Clarke County Health Department date:

Walker Arena
Minor Subdivision of the Land of
Walker Arena, LLC
Tax Map 6–A–38 Deed Book 494, Page 852
Longmarsh Magisterial District, Clarke County, Virginia

Dunn Land Surveys, Inc.
106 North Church Street
Berryville, Virginia 22611
Tel: 540–955–3388
April 6, 2018

Survey no. 2487

Walker Arena, LLC
Tax Map# 9-A-5
2203.4 acres, 2 dwl., 3 DURs

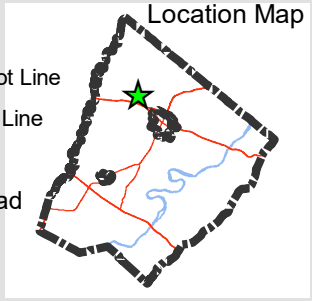
400 0 200 400 Feet

Clarke County GIS
April 26, 2018

Legend

- Parcel Boundary
- Conservation Easements
- Structures
- Drainfield
- Well
- Proposed Lot Line
- Existing Lot Line
- Roads
- Private Road

Location Map



Lord Fairfax Health District

Clarke County Health Department
100 North Buckmarsh Street
Berryville, Virginia 22611
Tel. (540) 955-1033 ~ Fax (540) 955-4094
www.vdh.virginia.gov

April 18, 2018

Ryan Fincham
Senior Planner/Zoning Administrator
101 Chalmers Court
Berryville, Virginia 22611

RE: MINOR SUBDIVISION PRELIMINARY REVIEW COMMENTS

Applicant Name:	Thomas Walker
Health Department I.D. #:	043180079
Subdivision Name:	Walker Arena
Section or Phase:	
Tax Map #'s:	6-A-38
Proposed Lots:	2 Lots

Dear Mr. Fincham,

Pursuant to your written request, we have evaluated the aforementioned minor subdivision proposal, and offer the following comments at this point in the review process.

OWNER/APPLICANT ITEMS:

1. The following comments regarding the plat are as follows:
   a. The location of the lot identified as Tax Map# 6-A-36 is not clearly identified.
   b. In the "Area Table", the 3.000 acre lot proposed is identified as Lot 1
   c. In the lower right corner of the plat a different Tax Map# is shown.

2. Proposed Lot 2 (3.000 acres) on which an existing dwelling currently sits is served by a conventional gravity-fed drainfield deigned to accommodate a three (3) bedroom house, six (6) occupants, 450 gallons per day. There is a 100% reserve area provided. There is a construction permit on file dated January 26, 2018 and a record of inspection by a private soil evaluator (OSE) dated September 7, 2013. The proposed lot lines do not appear to encroach on the existing drainfield or 100% reserve area. This lot is served by a private well that is shown in an area on the plat designated as a proposed private access and waterline easement.

3. The remaining portion of TM# 6-A-38 (200.417 acres) on which a dwelling currently sits is served by a three (3) bedroom, six (6) occupants, 450 gallon per day low pressure distribution sewage system with a 100% resreve area available. There is a permit on file dated June 22, 2005 and a record of inspection by the design engineer (PE) dated August 26, 2005. The location of the existing dwelling, drainfield, reserve area and well are not shown on the plat and are several hundred feet away from the proposed lot lines. This property, as mentioned, is served by private well.

4. On April 18, 2018, A walk-over was conducted at 44 & 114 Pierce Rd. Berryville, VA 22611 and no apparent issues or malfunctions were observed in the drainfield absorption areas.

5. A deed of easement in perpetuity for the well serving proposed lot 2 is needed.

This report is only intended for the above referenced request. This report is not intended for use as part of a real estate transfer, or any unauthorized use. There is no implied guarantee of future septic system performance based on this report. In the event of any sewage disposal malfunction, the owner will be responsible for any repairs or other actions deemed necessary to correct the situation.

This letter does not serve as an approval of the proposed minor subdivision, or its parts. If you have any questions, please contact me at 540.955.1033

Sincerely,

Jim Davis, REHS
Environmental Health Supervisor

PC: Thomas Walker, Owner
Sherri Happel, Agent
W. Stuart Dunn, Dunn Land Surveys, Inc.
Health Department File

Prepared by and return to:
Law Office of William G. Brown, IV
3897 Tusico Place
Fairfax, VA 22030

Tax Map #: 6-A-38

RESTATEMENT OF ROAD MAINTENANCE AGREEMENT

THIS RESTATEMENT OF ROAD MAINTENANCE AGREEMENT, effective as of May _____, 2018, by and between CHARLES K MATHENY, JR and JOYCE A MATHENY, husband and wife, party of the first part, and, BRADLEY L. WALKER, unmarried, party of the second part and WALKER ARENA, LLC, a Virginia limited liability company, party of the third part and hereby amends, restates and replaces in its entirety THE ROAD MAINTENANCE AGREEMENT, created January 20, 2010 recorded, and recorded among the land records of Clarke County, Virginia in Book 519 at Page 134 by and between the parties of the First and Third part.

WITNESSETH:

WHEREAS, the party of the first part is the owner of the following described tract or parcel of land lying and being situate in the Longmarsh Magisterial District of Clarke County, Virginia, to-wit:

> Lot 1, containing 3.000 acres, more or less, as shown on "Minor Subdivision Record Plat on the Property of Walker Arena, LLC, Longmarsh District, Clarke County, Virginia," prepared by Triad Engineering, Inc., dated April 22, 2008, and recorded at Plat Book 9, page 19, among the land records of Clarke County, Virginia.

WHEREAS, the party of the second part is the owner of the following described tract or parcel of land lying and being situate in the Longmarsh Magisterial District of Clarke County, Virginia, to-wit:

> Lot 2, containing 3.000 acres, more or less, as shown on "Minor Subdivision Record Plat on the Property of Walker Arena, LLC, Longmarsh District, Clarke County, Virginia,"prepared by Dunn Land Surveys, Inc., dated April 6, 2018, and recorded at Plat Book _____, page _____, among the land records of Clarke County, Virginia, to wit

WHEREAS, the party of the third part is the owner of the following described tract or parcel of land lying and being situate in the Longmarsh Magisterial District of Clarke County, Virginia, to-wit:

The Remaining Portion, containing 200.417 acres, more or less, and having a Tax Map Number of 6-A-38, as shown on "Minor Subdivision Record Plat on the Property of Walker Arena, LLC, Longmarsh District, Clarke County, Virginia," prepared by Triad Engineering, Inc., dated April 22, 2008, and recorded at Plat Book 9, page 19, among the land records of Clarke County, Virginia as further shown "Minor Subdivision Record Plat on the Property of Walker Arena, LLC, Longmarsh District, Clarke County, Virginia," prepared by Dunn Land Surveys, Inc., dated April 6, 2018, and recorded at Plat Book _____, page _____, among the land records of Clarke County, Virginia

WHEREAS, ingress to and egress from the aforesaid Lot 1 and Lot 2 is by means of a nonexclusive 30-foot access easement described on the Minor Subdivision Plat which crosses over the land of the aforesaid Remaining Portion and constitutes a private road (the "Road"); and

WHEREAS, the parties desire to bind themselves, their successors and assigns, for all liabilities for the repair and maintenance of the Road;

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties declare and covenant as follows:

1. The owners of Lot 1 and Lot 2 shall each pay one-half of the costs of repair and maintenance of the Road, for removal of snow for snowfalls in excess of six inches, and for the clearing of debris from the Road.

2. Repair or maintenance will be performed when the owners of Lot 1 and Lot 2 and the Remaining Portion shall so agree in writing, but either party shall have the right to require resurfacing of the Road every 10 years from the anniversary date of this agreement by giving a written notice to the others at any time within six months of said anniversary date.

3. Repair, maintenance, snow removal for snow falls in excess of six inches, and debris removal shall be contracted for by the owners of Lot 1, Lot 2 and the Remaing Portion, or by one owner or the other.

4. At the time such agreed snow or debris removal, repair, or maintenance is completed, the owner of each lot shall pay the person or corporation performing such repairs, maintenance, or grading that owner's share of the cost thereof within 30 days after a bill for such services has been submitted by the person or corporation performing such services. If the amount so due is not paid within said time period, then the owner of either lot paying his share may bring an action at law against the defaulting lot owner and may record in the Clerk's Office of the Clarke County Circuit Court a Notice of Lien against the defaulting lot owner for that lot's

share of said costs. Any such lien shall be subordinate to the lien or liens of any previously recorded deed of trust. Costs, interest at the judgment rate, and reasonable attorney fees shall be added to the amount of such charge for which said defaulting owner is liable.

5. No obligation exists to upgrade the Road to a superior condition than exists on the date hereof; provided, however, that either party shall have the right to upgrade the Road to a superior condition at such party's sole expense.

6. The covenants set forth in this agreement shall run with the land described above and owned by the parties hereto and shall be binding on the heirs, personal representatives, successors and assigns of the parties hereto.

7. This agreement contains the entire agreement between the parties hereto and shall be construed and interpreted according to the laws of the Commonwealth of Virginia.

WITNESS the following signatures and seals:

PARTY OF THE FIRST PART:

_____
CHARLES K MATHENY, JR

_____
JOYCE A MATHENY

COMMONWEALTH OF VIRGINIA
COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me in _____ County, Virginia, this ____ day of May, 2018, by Charles K Matheny, Jr.

_____
Notary Public

COMMONWEALTH OF VIRGINIA
COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me in _____ County, Virginia, this ____ day of May, 2018, by Joyce A Matheny.

_____
Notary Public

PARTY OF THE SECOND PART:

_____
BRADLEY L. WALKER

COMMONWEALTH OF VIRGINIA
COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me in _____ County, Virginia, this ____ day of May, 2018, by Bradley L. Walker.

PARTY OF THE THIRD PART:

WALKER ARENA, LLC, a Virginia limited liability company

By: _____
Thomas L Walker, Manager

COMMONWEALTH OF VIRGINIA
COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me in _____ County, Virginia, this ____ day of May, 2018, by Thomas L Walker, as Manager of Walker Arena, LLC.

_____
Notary Public

EASEMENT

This Indenture, made this _____ day of April, 2018, between WALKER ARENA, LLC, a Virginia limited liability company, party of the first part, GRANTOR, and BRADLEY L. WALKER, married, party of the second part, GRANTEE.

WHEREAS, the GRANTOR is seised in fee simple of a piece of land described as 200.417 acres, more or less, known as "Remaining Portion" ,as shown on a Plat of Dunn Land Surveys, Inc, dated April 6, 2018, attached hereto and incorporated herein by reference, in Loudoun County, Virginia,

AND WHEREAS the GRANTEE are seised in fee simple of another parcel of land adjoining thereto by virtue of deed, recorded in Deed Book _____, at Page _____, and shown as "Lot 2", containing 3.0 acres, more or less, as shown on the referenced survey plat.

AND WHEREAS, a well and water system is upon and beneath the surfaces of the land of the party of the first part, which well serves the residence of the parties of the second part.

NOW THIS INDENTURE WITNESSETH: That in consideration of the sum of $10.00 paid by the parties of the second part to the party of the first part, the receipt whereof is hereby acknowledged and for other good and valuable consideration, together with the undertakings hereafter specified, the party of the first part hereby grants unto the parties of the second part, their heirs, assigns and successors in title forever (subject to the extinguishment provisions hereafter), the right of using water system and drawing well water for residential use from the said well of the parties of the second part, and for that purpose also the right to make and at all times repair and maintain all such connections with the said well as may be reasonable and proper in that behalf, making good, nevertheless, at their own expense, all damage or disturbance which may be caused to the said land of the party of the first part in relation to such connection, and subject to the following additional terms and conditions:

1. The party of the first part makes no representation or warranty regarding the suitability of the existing well or its present or continued fitness for its intended use.
2. This easement shall extinguish in the event that the existing well can no longer be repaired and reaches the end of its useful life.
3. The party of the second part hereby agrees assume and be responsible the cost of necessary repairs to the well or well pump system and be solely responsible for their plumbing connection to said well.
4. The party of the second part shall be solely responsible for the cost of electrical service to the well or well-pump-septic.
5 This easement is only for the use of the existing dwelling on the land of the parties of the second part and no other use.
6. This easement shall extinguish in the event that the use of the well violates any

governmental ordinances.

7. This easement shall extinguish in the event that the parties of the second part do not pay charges required of them by this Agreement.

8. This easement shall extinguish in the event that the parties of the second part drill a well on their property.

This easement runs with and binds the lands herein described.

IN WITNESS WHEREOF, the said parties have set their hands and seals the day and year first above written.

WALKER ARENA, LLC,
a Virginia Limited Liability Company

_____
by: THOMAS L. WALKER
Manager

_____(SEAL)
BRADLEY L. WALKER

STATE OF VIRGINIA
COUNTY OF LOUDOUN, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by Thomas L. Walker, Managing Member and being the sole member of the company has executed this Easement on the behalf to the limited liability company.

My Commission Expires: _____

_____
Notary Public

STATE OF VIRGINIA
COUNTY OF LOUDOUN, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2018 by Bradley L. Walker.

My Commission Expires: _____

_____
Notary Public

Clarke County - Route 635 Pierce Road - Walker Arena Minor Subdivision - Tax Map# 9-A-5

From :	Arthur Boyce <bobby.boyce@vdot.virginia.gov>	Fri, Apr 27, 2018 02:29 PM
Subject :	Clarke County - Route 635 Pierce Road - Walker Arena Minor Subdivision - Tax Map# 9-A-5	
To :	Ryan Fincham <rfincham@clarkecounty.gov>	
Cc :	Rhonda Funkhouser <rhonda.funkhouser@vdot.virginia.gov>, Matthew Smith <matthew.smith@vdot.virginia.gov>	

<<...>>

DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

Dear Mr. Fincham:

We have reviewed the above referenced subdivision plat dated April 6, 2018 by Dunn Land Surveys, Inc for impacts to the transportation system. Our comments are as follows:

- The 30' private access easement will need to be flared out to at least 50' at the VDOT right-of-way with Route 635 to accommodate a private entrance.
- The are two DUR's remaining on the residual parcel. If these two dwellings will also be served off this private entrance, the entrance and private easement may need to be upgraded and widened to accommodate a standard subdivision entrance. A private entrance may only serve two single-family dwellings.
- The existing private right-of-way is not wide enough at the state road to accommodate the installation of a VDOT Private Subdivision Street Entrance. The easement must be flared at the VDOT right-of-way to accommodate the entrance radii catch points, shoulders, drainage features (ditches, culverts, slopes, etc.), limits of grading, etc…
- The subdivision plat and all approved deeds of subdivision, or similar instruments, should contain a statement advertising the following private roadway note: *The roads in this subdivision do not meet the Virginia Secondary Street Acceptance Requirements necessary for inclusion in the system of state highways and will not be maintained by the Virginia Department of Transportation or Clarke County. These roads are not eligible for rural addition funds or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board.*
- A joint-use maintenance agreement should be developed between all the lots allowed access through this entrance and private drive.
- The existing 30' prescriptive easement for Route 635 does not allow adequate area for VDOT to maintain or improvement the existing roadway and/or drainage if needed. A 25' right-of-way dedication from centerline of Route 635 (10' additional feet) should be dedicated to public use for roadway maintenance.

- A Land Use Permit shall be obtained before any work is performed on the State's right-of-way. The permit is issued by this office and will require application fees and surety coverage. Once satisfactory application has been made, a permit will normally take 10-20 days to process and issue.

We appreciate the County's efforts to include VDOT in the early planning stages for development and the opportunity to provide comments on this Subdivision of Land. We ask that you include a copy of this official public record in file for the Subdivision. If you have any questions, would like to meet in the field and discuss or need further information, please do not hesitate to give me a call at (540) 984-5631.

Sincerely,

Arthur R. Boyce, III

Arthur R. Boyce, III

Land Development Engineer

Clarke, Frederick, Shenandoah, & Warren Counties

14031 Old Valley Pike

Edinburg, VA 22824

(540)984-5631

HISTORIC RESOURCES PLAN
Clarke County Comprehensive Plan
Implementing Component

DRAFT
(5/4/2018 Planning Commission Public Hearing)

2018 HISTORIC RESOURCES PLAN – DRAFT
(5/4/18 Planning Commission Public Hearing)

HISTORIC PRESERVATION COMMISSION (2018)

Betsy Arnett, Chair
Page Carter, Vice-Chair
Doug Kruhm, Planning Commission Liaison
Terri Catlett, Board of Supervisors Liaison
Katherine Berger
Anne Caldwell
Bob Stieg
Robin York

Maral S. Kalbian, Architectural Historian
Brandon Stidham, Planning Director
Alison Teetor, Natural Resources Planner

Clarke County Planning Department
101 Chalmers Court
Berryville, VA 22611
540-955-5132

The Clarke County Historic Resources Plan was first adopted 2001 March 20, revised and readopted on 2007 March 20, and revised and readopted on DATE

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2018 HISTORIC RESOURCES PLAN — DRAFT
(5/4/18 Planning Commission Public Hearing)

Background

A. Clarke County History and Historic Resources

Native Americans inhabited the area of Clarke County for centuries before the first Europeans, with their African slaves, settled the region. Several prehistoric archeological sites have been discovered on the banks of the Shenandoah River in Clarke County, and records indicate that there are potentially thousands of such sites throughout the County. Native Americans passed through the Shenandoah Valley, a major trade route between present-day New York and Georgia. The Shenandoah River ("Daughter of the Stars") and the Opequon Creek, are Indian-named, reflecting the heritage of the County's indigenous people. Although few Native American groups were resident in the Shenandoah Valley at the time of European settlement, the area remained within the territorial organization of tribes to the north and west.

Europeans first came into the Shenandoah Valley in the early 1700s. Thomas Fairfax, Sixth Baron Fairfax of Cameron (1693-1781), was the proprietor of the Northern Neck of Virginia as heir to the 1688 royal charter to the land between the Rappahannock and Potomac Rivers. Just less than half of Clarke County was part of a 50,212-acre grant given as payment by Lord Fairfax in 1730 to his agent Robert "King" Carter, the wealthiest and most prominent landholder in the Tidewater of Virginia. The remaining area of the County was distributed in smaller grants, either by the Council of Virginia or Lord Fairfax, or retained by him as the Manor of Greenway Court (his home after 1752) and as the Manor of Leeds. Several buildings and structures of the Greenway Court complex remain, including the 1761 Land Office. The village of White Post, near Greenway Court, grew up around the prominent post directing new settlers to Greenway Court. By tradition, the first post was erected in the early 1750s by George Washington, then a surveyor for Lord Fairfax.

Carter's land in Clarke County was mostly unavailable for settlement until the mid-1700s when it was divided into tenancies and rented out to farmers. With the end of the Revolutionary War in 1783 and the commercial decline of tobacco, settlers from the Tidewater, most of whom were Carter's descendents, began to move to Carter's land in greater numbers. The Tidewater families imported their lifestyle, their appreciation of stylish architecture, their wealth, and the slave system, all of which are reflected in the structures they built. One of the Tidewater settlers was "King" Carter's great-grandson, Nathaniel Burwell, builder of Carter Hall, the leading plantation in the County. The village of Millwood, near Carter Hall, developed around a prominent commercial mill completed in 1786. It was operated by Burwell and Revolutionary War hero, General Daniel Morgan. The establishment of this and several other mills during the late eighteenth and early nineteenth centuries reflects the transition from tobacco planting to wheat farming by Tidewater families.

African slaves brought from the Tidewater made the settlement and production of large plantations possible in Clarke County. In the 1840 census, over 50% of the County's population was of African descent. By 2005, the percentage of African Americans in the County had dropped to less than 7%.

Pioneers migrating south from Pennsylvania, New York, New Jersey, and Maryland in search of rich farmlands formed the broad pattern of European settlement of the Lower Shenandoah Valley. These people were, for the most part, Scots-Irish, English Quakers, and Germans, and they settled in the portion of the northern Shenandoah Valley that today is known as Frederick County and, to a lesser extent, in what is now Clarke. Clarke County was part of Orange County until 1738, when Frederick County was established out of Orange. Clarke remained part of Frederick County until 1836, when it became a separate entity. The socio-economic differences between what is now Clarke and the rest of Frederick County, and the considerable distance to the county seat in Winchester, contributed to the separation of Clarke County from Frederick.

The Civil War brought an abrupt end to any new construction and growth in Clarke County. Two of the 384 primary Civil War battles identified by the Federal Civil War Site Advisory Commission occurred in Clarke County in 1864, the Battles of Cool Spring (800 casualties) and of Berryville (500 casualties). Other engagements and skirmishes took place as troops from both sides constantly passed through the County throughout the War, including Lee and his army on the way to Gettysburg in 1863. Numerous buildings, including houses, barns, and mills, were destroyed in 1864 as part of Sheridan's campaign to end the Shenandoah Valley's role as the "breadbasket of the Confederacy," providing Confederate troops with food and grain.

After the Civil War ended, recovery came slowly, and Clarke County saw little growth until the 1880s when the Shenandoah Valley Railroad (now Norfolk Southern) was constructed and provided improved access to larger markets.

Clarke County was a highly productive agricultural county throughout the nineteenth century. According to 1860 census data, although Clarke was the smallest county in the Shenandoah Valley, it had the largest percentage of land in farms and ranked second in wheat production in the Valley. Wheat was the largest cash crop in the County until the early 20th century, when it was replaced by apple production. Clarke County's abundance of bluegrass has long made it a desirable location for horse breeding. The Tidewater families brought their thoroughbreds with them and began a tradition of horse breeding that has continued to the present. By the beginning of the 21st century, apple production declined, while beef and dairy cattle and horses were the mainstays of the local agricultural economy.

Berryville, incorporated in 1798, is the largest town in the County. It was first settled in 1775 and was originally known as Battletown, due to its rowdy taverns. Its location at the intersection of major roads leading to Alexandria, Baltimore, and Winchester made it the commercial center of the County and insured its selection as the seat of County government. Boyce, the second town of the County, was incorporated in 1910. It was originally settled in 1880 at the crossing of the Millwood-Winchester Turnpike (now Route 723) and the newly built Shenandoah Valley Railroad (now Norfolk Southern).

Today, Clarke County remains primarily rural, and agriculture is still one of its main sources of income. Berryville remains the commercial, governmental, and manufacturing center of the County. In the late 20th century, people increasingly moved to the County to construct new homes in rural settings, as well as restore older residences. In order to preserve the agricultural economy of the County and its rural character, the County enacted innovative land use regulations in 1980. These regulations limited residential growth in rural areas and focused new housing in the Berryville area.

The large number and diversity of historic structures and buildings accentuate Clarke County's rural and agricultural environment. A Countywide archeological assessment was completed in 1993 to survey the Native American presence. Possible sites of several palisade villages were located, as well as thousands of individual dwelling sites. All pre-World War II structures were also documented with reconnaissance-level surveys. A total of 962 historic properties were identified (each of which may include several structures), dating from the early 1700s through 1941 in the rural portions of the County. From approximately the same period, 236 historic structures and buildings were identified in Berryville, 100 in Boyce, 58 in Millwood, and 28 in White Post. Since then, approximately 300 additional historic properties in the county have been documented. Descriptions of all of these historic resources are available through DHR's database, Virginia Cultural Resources Information System (V-CRIS).

As a follow-up to the general identification of historic properties, more than 45% of the County has been placed in the Virginia Landmarks Register and the National Register of Historic Places, including the historic districts of Greenway (1993; 30 square miles), Long Marsh Run (1996; 16 square miles), Cool Spring Civil War Battlefield (1995; 6 square miles), Bear's Den (2008; 1,855 acres), Chapel (2013; 18 square miles), Berryville (1987; 150 acres), Boyce (2003; 102 acres), White Post (1983; 30 acres), and

Josephine City (2015; 40 acres), as well as 28 individually listed structures. In addition, Greenway Court (the site of Lord Fairfax's home and land office) and Saratoga (the home of Daniel Morgan) have been designated National Historic Landmarks, the highest level of national recognition for an historic property.

Clarke County is part of the Mosby Heritage Area, the first heritage area designated in Virginia. Named for Colonel John S. Mosby, who operated in this area with his Rangers during the Civil War, this heritage area encompasses parts of six counties and seeks to preserve the unique historical, cultural and geographical resources of the region. Clarke is the only county included in its entirety. In addition, Clarke County is one of eight counties that constitute the Shenandoah Valley Battlefields National Historic District, established by Congress along with the Shenandoah Valley Battlefields Foundation, which preserves, interprets, coordinates, and promotes all the battlefields in the National Historic District.

B. Clarke County Historic Preservation Projects

While part of the Washington Metropolitan Statistical Area, Clarke County is on the rural fringe of Northern Virginia, an area that is quickly being developed. Clarke is fortunate to have many of its historic resources surviving to date. Several of the large estates have remained in family ownership or have been purchased by persons knowledgeable about and sympathetic toward historic preservation. The Clarke County Board of Supervisors has recognized the importance of historical resources to the community. They realize that by identifying and maximizing the benefits of these resources, future generations can make intelligent decisions about future development in the County.

The Board of Supervisors (BOS) appoints the seven-member Historic Preservation Commission (HPC). Established in 1987, the HPC serves as the architectural review board for properties in the county-designated local historic districts.

The BOS recognizes that they will continue to support, through funding and staff time, historic preservation activities in the County. The HPC will bring priority projects to the BOS on annual basis, using Certified Local Government (CLG) grants and other funding opportunities to help offset the costs. The Ordinance establishing the Historic Preservation Commission identifies its responsibilities:

- Coordinate local historic preservation efforts with those of the Virginia Department of Historic Resources (DHR).
- Sponsor public information activities and publicize historic preservation efforts, such as: speaking engagements, handouts, press releases, films, and making awards to people who have made significant contributions to preserving the County's heritage.
- Report to the Planning Commission on its activities and make recommendations in an annual report to the Planning Commission and the BOS concerning the operation of the Preservation Commission and the status of Historic Preservation within the County.
- Grant the right to display authorized plaques to commemorate buildings or sites that are important and significant physical features in Clarke County.
- Provide advice and recommendations to the Planning Commission on particular projects and developments, as specifically requested by the Planning Commission.
- Review projects and developments that may change or alter the historic character of an existing County Historic District and report findings to the Planning Commission.

- Issue Certificates of Appropriateness and formulate necessary administrative procedures, which shall include prescribed requirements for applications for such Certificates.

- Advise persons living within a County Historic District on measures that they may take to preserve the historic character of their District.

- Provide limited technical guidance to Clarke County citizens on questions regarding Historic Preservation such as the National Register of Historic Places, the Rehabilitation Tax Credits, Preservation Easements, and other related subjects.

- Develop specific guidelines for each County Historic District before establishment of each such District, to delineate specific criteria for the approval of Certificates of Appropriateness, based upon the criteria listed in County Zoning Ordinance Section 4-I-5-c and the distinctive characteristics and features of each District. After establishing a County Historic District, proposed changes or amendments to the specific guidelines for that District shall be reviewed by the Planning Commission before instituting or implementing such changes or amendments.

- Hold public meetings, as often as necessary, to fulfill the responsibilities assigned by this Ordinance.

At this time, two areas are designated as Local Historic Districts, one area in the village of White Post, encompassing 28 parcels, and seven parcels in the village of Millwood, primarily focused on its commercial core.

In 1990, Clarke County enacted legislation (Clarke County Code Section 11-24) that provides a ten-year freeze of a property's assessed value, if renovation on it is done according to The Secretary of the Interior's Guidelines for Rehabilitation and is approved by the HPC. As of 2017, several property owners have taken advantage of this initiative.

Current activities of the HPC include:

- The development of a publication that brings together the numerous archaeological and architectural studies of the County into one volume. The first phase of this project, developing a detailed outline of the book, was completed in June 2017.

- For several years, the HPC has focused on finding ways to discourage demolition by neglect of historic resources. This year (2017/2018) they received a Certified Local Government (CLG) Grant to make recommendations about developing a program that would select and prioritize buildings and applications for county stabilization funds.

- Find ways to discourage demolition by neglect of historic properties and encourage owners of abandoned historic properties to mothball them for later rehabilitation. Although priority is for properties within the county's local historic districts, a goal is to address all historic properties under threat.

- The HPC is interested in learning more about the history of several stone fish weirs that are located in the Shenandoah River. It is believed that these v-shaped stone structures were erected by Native Americans. Priority has been given to documenting and researching at least one of these structures.

- Continue to work closely with the Clarke County Building Department in order to fully document historic structures (outside of rural historic districts) before issuing a demolition permit.

- Continue to respond to citizens inquires regarding questions related to Historic Preservation issues and programs.

Past accomplishments of the HPC include:

DATE	DESCRIPTION OF PROJECT
1983	Listing of White Post to the National Register of Historic Places
1985	Survey of historic resources in Berryville, Millwood, and Boyce
1985	Listing of Berryville to the National Register of Historic Places
1989	Survey of rural historic properties in Clarke County - Phase 1
1991	Historic Access Corridor Overlay District
1992	Survey of rural historic properties in Clarke County - Phase 2
1992	Listing of Blandy Historic District to the National Register of Historic Places (700 acres)
1993	Listing of Greenway Rural Historic District to the National Register of Historic Places (19,000 acres)
1994	Archaeological Assessment of the County
1994	Listing of Josephine City School to the National Register of Historic Places (now the Josephine School Community Museum and the Clarke County African-American Cultural Center)
1995	Listing of Cool Spring Battlefield to the National Register of Historic Places (4,000 acres)
1995	Driving Tours highlighting historic sites
1996	Listing of Long Marsh Run Rural Historic District to the National Register of Historic Places (10,000 acres)
1996	Archaeological Mill Study
1997	Replacement of missing Historic Highway Markers
1999	New Historic Highway Markers
2000	Initiation of annual Clarke County Historic Preservation Awards Program
2000	Listing of Millwood Colored School to the National Register of Historic Places
2002	Renovation of Josephine School for use as the county's African-American Museum
2002	Completion of an African-American Historic Context and identification of communities
2003	Listing of Boyce to the National Register of Historic Places
2003	Rehabilitation Tax Credit for Old Clarke County Courthouse
2004	Preliminary Information Form for the Bear's Den Rural Historic District
2004	Listing of Millwood Commercial Historic District to the National Register of Historic Places
2006	Greenway Court Architectural Assessment
2007	Henry A. Jordan Preservation Excellence fund for a planning session for Greenway Court

2007	Greenway Court – Continued Work
2007	Expansion of Greenway Historic District boundaries to include Ebenezer Baptist Church
2007	Listing of Bear's Den Rural Historic District to the National Register of Historic Places (2,000 acres)
2010	Greenway Court Phase 1 Rescue
2010	Chapel Rural Historic District Preliminary Information Form
2011	Architectural Survey of Chapel Rural Historic District
2012	National Register for Chapel Rural Historic District Form (11,496 acres)
2012	Architectural Survey and Preliminary Information Form for Josephine City Historic District.
2014	National Register for Josephine City Historic District
2014	Revised and expanded Historic District Walking and Driving Tour brochure
2017	Hurricane Sandy Grant for Greenway Court Repairs
2017	Detailed Outline for Book about Clarke County's Historical Resources

Clarke County has achieved the major milestone of having surveyed its historic resources and has made significant efforts in formally recognizing, protecting, and preserving these resources. In the future, efforts must be continued in the conservation of the County's heritage through public information and public assistance in compatible reuse projects. In addition, protecting the County's rich archaeological resources must also be a high priority. A balance between desires of property owners and respect for community identity must be achieved in order to benefit all.

Future Goals of the HPC include:

- Complete a publication that addresses the county's historic resources using past architectural, historical, and archaeological studies.
- Document under-represented historic resources, particularly Native American resources along the Shenandoah River and Opequon Creek, historic resources related to African-American history, and resources associated with other under-represented groups.
- Encourage more investigation of the county's archaeological resources.
- Update the architectural survey and National Register Historic District for the Town of Berryville and the village of White Post.
- Consider the creation of a National Register Rural Historic District in the northwestern part of Clarke County, which contains many early and significant historic resources.
- Encourage the update of older individual National Register nominations including Greenway Court, Old Chapel, the Burwell-Morgan Mill, Saratoga, Annfield, Carter Hall, Fairfield, The Tuleyries, and Clermont.
- Encourage community education about Historic Preservation incentives in the county.
- Encourage appropriate scale and form of new developments and construction within the county's historic villages and hamlets and investigate the possibility of initiating Conservation Districts in those areas.

- Work with the County Economic Development and Tourism authorities to maximize the economic benefits of the County's historic resources.
- Establish a Heritage Resources Roundtable that would meet bi-annually and that would include representatives from County and local organizations concerned with Historic Preservation.
- Create an App with GPS Navigation functionality from the driving tours of the historic resources in the County.
- Continue to seek opportunities for collaboration with state- and federally-owned properties in the County.
- Continue to seek grant funding from DHR as well as local foundations.
- Conduct periodic architectural surveys with the objective of maintaining an updated architectural database (with V-CRIS).
- Consider a plaque program whereby historically significant sites will be recognized.
- Work with residents wishing to identify and prepare nominations for individual properties and districts to the National Register of Historic Places.
- Work toward establishing a Heritage Tree program whereby exceptionally old, large, and grand trees are recognized for the contribution they make to the county's rich rural landscape.
- Work with the local officials in the Towns of Berryville and Boyce to help educate them about Historic Preservation opportunities available to them.
- Study, and possibly nominate to the Virginia Landmarks Register and the National Register of Historic Places, the site of the Battle of Berryville.

C. State and Federal Historic Preservation Programs in Clarke County

The Commonwealth of Virginia encourages historic preservation through enabling legislation for local historic overlay districts and through its Department of Historic Resources (DHR). The DHR is made up of architectural historians, architects, archaeologists, historians, and archivists who administer the state's preservation program and serve as the State Historic Preservation Office in the federal preservation system. In 1995, DHR opened a satellite office in Winchester to serve the northern portion of the state. The office moved to Stephens City in 2006 and is now known at the Northern Region Preservation Office. The DHR works with local governments, private citizens, and organizations to carry out preservation programs.

A large part of these programs is the documentation of historic properties. Clarke County has conducted four historic surveys, the last completed in 1992. These surveys have resulted in the documentation of more than 1,300 historic properties (some containing multiple structures) in the rural parts of the County, 236 in Berryville, 100 in Boyce, 58 in Millwood, and 28 in White Post. These surveys were partially funded with County money and partially with grants awarded by DHR.

After general documentation of the County's resources through surveying, registering each important building provides formal certification of its historic value. The Virginia Landmarks Register and the National Register of Historic Places provide formal certification of the local, statewide, or national

importance of a resource (building, district, sites or object) with integrity of location, design, setting, materials, feeling, workmanship, and association, in addition to the following four Criteria for Evaluation:

1. Properties associated with events that have made a significant contribution to the broad patterns of our history.

2. Properties associated with the lives of persons significant in our past.

3. Properties that embody the distinctive characteristics of a type, period, or method of construction or that represent a significant and distinguishable entity whose components may lack individual distinction.

4. Properties that have yielded, or may be likely to yield, information important in prehistory or history.

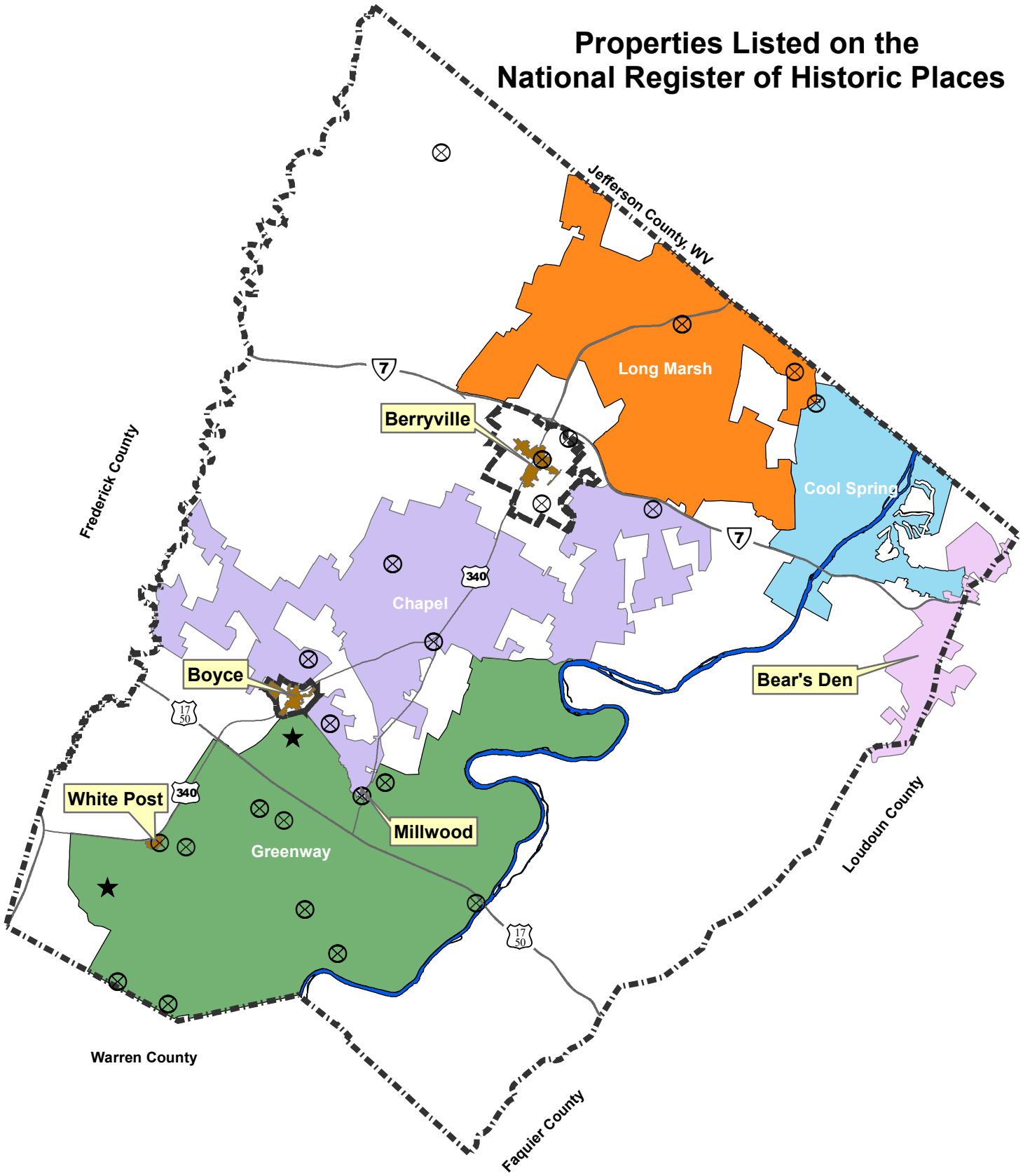
When considering properties for the National Register, the National Park Service may determine that a property has outstanding historic qualities and designate it a National Historic Landmark. Currently, two properties in the County are listed as National Historic Landmarks, in part because of their association with significant historic figures, Lord Fairfax and Daniel Morgan (Figure 1).

Property Name	DHR File #
1. Greenway Court	021-0028
2. Saratoga	021-0070

In addition, twenty-six individual properties and ten historic districts are listed in the State and National Registers.

Property Name	DHR File #
1. Annfield	021-0002
2. Bethel Memorial Church	021-0035
3. Blandy Experimental Farm	021-0550
4. Burwell-Morgan Mill	021-0023
5. Carter Hall	021-0012
6. Chapel Hill	021-0014
7. Fairfield	021-0029
8. Farnley	021-0030
9. Glendale Farm	021-0034
10. Guilford	021-0039
11. Huntingdon	021-0188
12. Josephine City School	021-0177
13. Long Branch	021-0095
14. Lucky Hit	021-0045
15. Meadea	021-0618
16. Norwood	021-0057
17. Old Chapel	021-0058
18. Old Clarke County Courthouse	021-0021
19. The River House	021-0064
20. Scaleby	021-0086
21. Smithfield	021-0349
22. Soldier's Rest	021-0073
23. The Tuleyries	021-0082
24. Wickliffe Church	021-0089

Properties Listed on the National Register of Historic Places



1 0.5 0 1 Miles

Clarke County GIS
February 8, 2018

National Register Districts

- Cool Spring
- Greenway
- Long Marsh
- Chapel
- Blue Ridge
- Berryville, Boyce, White Post, Millwood

- Shenandoah River
- National Register Properties
- National Historic Landmark

24.	Millwood Colored School	021-0192-0008
25.	Clermont	021-0019

Districts

1.	Berryville Historic District 150 acres, 314 contributing resources	168-0012
2.	Cool Spring Battlefield Historic District 4,064 acres, 54 contributing resources	021-0976
3.	Greenway Rural Historic District 19,107 acres, 606 contributing resources	021-0963
4.	Long Marsh Run Rural Historic District 10,293 acres, 366 contributing resources	021-0967
5.	White Post Historic District 30 acres, 28 contributing resources	021-0066
6.	Boyce Historic District 102 acres, 100 contributing resources	172-0001
7.	Millwood Commercial District 4 acres, 10 contributing resources	021-0059
8.	Bear's Den Rural Historic District 1,855 acres, 173 contributing resources	021-5010
9.	Chapel Rural Historic District 11,496 acres, 688 contributing resources	021-5025
10.	Josephine City Historic District 40 acres, 40 contributing resources	168-5029

** A contributing resource includes a building, structure, site, or object.

Many additional properties in the County could be potentially eligible for the Virginia Landmarks Register and the National Register of Historic Places, but have not yet been officially evaluated by DHR.

Inclusion in the Virginia Landmarks Register and the National Register is an honor bestowed on historic properties by the state and federal governments. It recognizes the historic value of a property and encourages present and future owners to continue to exercise good stewardship. It accomplishes the following:

1. Increases public awareness of the significance of an historic resource and encourages its preservation.

2. Does not restrict the property owner from using private funds in any way. However, when federal funds, licenses, or permits are used, the project review process will consider the impact of the project on the property.

3. Provides financial benefits, mostly in the form of federal and state historic rehabilitation tax credits, for rehabilitation of listed buildings.

4. Allows owners of registered properties to donate historic preservation easements to DHR (which can reduce real estate taxes).

5. Allows owners to receive technical assistance from DHR for maintenance and rehabilitation.

D. Appendix

This appendix provides general information regarding:

1. The Four Approaches to the Treatment of Historic Buildings
2. The Secretary of the Interior's Standards for Rehabilitation
3. Tax Credits for Rehabilitation:
   - 3a. The Federal Rehabilitation Tax Credit Program
   - 3b. The State Rehabilitation Tax Credit Program

The U.S. National Park Service (NPS) and the Virginia Department of Historic Resources (DHR) are the sources of this information. More detailed information can be obtained on the websites that are provided.

1. The Four Approaches to the Treatment of Historic Properties

The four approaches to the treatment of historic buildings are: Preservation, Rehabilitation, Restoration, and Reconstruction. These four treatments are distinct but interrelated and are intended to assist users in making sound historic preservation decisions and promote the use of 'a common language' in the planning stages of work. The choice of treatment depends on a variety of factors, including the property's historical significance, physical condition, proposed use, and intended interpretation.

Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.

Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character. This is the treatment used for the state and federal rehabilitation tax credits.

Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.

Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

For more information, visit: www.nps.gov/tps/standards/four-treatments.htm and www.nps.gov/tps/standards/treatment-guidelines-2017.pdf

2. The Secretary of the Interior's Standards for Rehabilitation

The *Standards* were first codified in 1979 in response to a federal mandate requiring the establishment of policies for all programs under the authority of the Department of the Interior. The *Standards* enable the Department of the Interior to direct work undertaken on historic buildings. They are used in review of all federal projects involving historic properties listed on or eligible for listing in the National Register of Historic Places. Compliance with the *Standards* provides for the preservation of the historic and architectural integrity of buildings being rehabilitated. The *Standards* were most recently revised in 1992. These are the specific standards used in state and federal rehabilitation tax credit projects.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

3. Tax Credits for Rehabilitation

Rehabilitation Tax Credits are dollar-for-dollar reductions in income tax liability for taxpayers who rehabilitate historic buildings. Credits are available from both the federal government and the State of Virginia. The amount of the credit is based on total rehabilitation costs. The federal credit is 20% of eligible rehabilitation expenses. The state credit is 25% of eligible rehabilitation expenses. In some cases, taxpayers can qualify under both programs, allowing them to claim credits of 45% of their eligible rehabilitation expenses.

Rehabilitation is the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. In order to receive tax credits (either on a state or national level), the rehabilitation work needs to be done according to the *Secretary of the Interior's Standards for Rehabilitation*. The *Standards* are to be applied to specific

rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

The rehabilitation, re-use, and preservation of Virginia's historic residential and commercial buildings are good for the state's economy according to a study conducted by Virginia Commonwealth University in 2013. The benefits of bringing old buildings back to life ripples across the economy and through local communities, adding upwards of an estimated $3.9 billion to the commonwealth's economic health. Those rehabilitation expenses and their domino effect have also created more than 31,000 full and part-time jobs during a 17-year period and generated an estimated $133 million in state and local tax revenues.

Both the federal and state tax credit programs are administered in Virginia through the Department of Historic Resources. Federal rehabilitation tax credits are only available for income-producing properties, whereas the state tax credits is available for owner-occupied, as well as income-producing buildings.

A building must be designated a "certified historic structure" to qualify for the tax credit.
The credits described above are available only for Certified Historic Structures, defined as follows.

Under the federal program, a certified historic structure is one that is either:

- Listed individually in the National Register of Historic Places, or
- Certified as "contributing" to a district that is so listed.

Under the state program, a certified historic structure is one that is:

- Individually listed in the Virginia Landmarks Register, or
- Certified as eligible for listing, or
- Certified as a contributing structure in a district that is so listed.

With a few exceptions, a Virginia property that is listed in one of these registers is listed in the other. Certification that a building contributes to a listed district (or for purposes of the state credit is *eligible* for individual listing) is obtained only by submitting Part 1 of the tax credit application.

DHR has records of all properties in Virginia that are listed in the National Register, and records of all registered historic districts on their website at www.dhr.virginia.gov (search under Clarke County). Applying for the credit is a three-part process. **Part 1** requests certification that the building is historic – and eligible for the program. **Part 2** requests certification that the proposed rehabilitation work appears to be consistent with the Secretary's *Standards*. Part 2 is the most complex part of the application. It requires a description of each significant architectural feature of the property and how it will be treated in the rehabilitation as well as photographs documenting the current condition. **Part 3** requests certification that the completed work is consistent with the Secretary's Standards. Photographs showing the completed work must accompany Part 3. For the state credit, if the eligible expenses exceed $100,000, a CPA certification is also required.

The federal regulations governing the National Park Service's review of tax credit applications are found at*36 CFR 67*. The regulations governing the use of the tax credit itself (the IRS regulations) are found at*26 CFR 1.48-12*. The Virginia legislation authorizing the state tax credit is found at *Virginia Code. §58.1-339.2*.

3a. The Federal Rehabilitation Tax Credit Program

A 20% income tax credit is available for the rehabilitation of historic, income-producing buildings that are determined by the Secretary of the Interior, through the National Park Service to be "certified historic structures."

The State Historic Preservation Office (DHR) and the National Park Service review the rehabilitation work to ensure that it complies with the *Secretary's Standards for Rehabilitation.* The Internal Revenue Service defines qualified rehabilitation expenses on which the credit may be taken. Owner-occupied residential properties do not qualify for the federal rehabilitation tax credit.
To learn more about this credit, visit: https://www.nps.gov/tps/tax-incentives/before-you-apply.htm

3b. The State Rehabilitation Tax Credit Program

A 25% income tax credit is available for the rehabilitation of historic, owner-occupied or income-producing buildings that are determined to be "certified historic structures."

The state tax credit, which reduces the taxpayer's Virginia Income Tax liability, is calculated as 25 % of the eligible rehabilitation expenses. DHR issues certifications of buildings and rehabilitations, so that property owners can claim the credits. The Virginia Department of Taxation has full authority to determine tax treatment questions.

The tax credit is available to the owners of a qualified rehabilitated building. Generally, the credits are claimed for the tax year in which the rehabilitation is completed and the building is placed in service. An approved Historic Preservation Certification Application, Part 3, "Request for Certification of Completed Work" should be filed with the tax return claiming the credit.

The credit is 25% of the eligible rehabilitation expenses. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the income taxes of such taxpayer in the next five taxable years or until the full credit is used, whichever occurs first. Credits granted to a partnership or electing small business corporation (S corporation) shall be passed through to the partners or shareholders, respectively.

In 2014, a report from the VCU Center for Urban and Regional Development on the positive economic impacts of historic rehabilitation tax credit programs in Virginia was completed and can be accessed at: www.dhr.virginia.gov/pdf_files/VCU_Historic%20Tax%20Credit%20Report_FINAL_21-1-2014.pdf.

More information can be found by visiting: www.dhr.virginia.gov/tax_credits/tax_credit.htm